Security Council

Sixty-fourth year

Provisional

6151st meeting

Friday, 26 June 2009, 10 a.m.

New York

President:	Mr. İlkin	(Turkey)
Members:	Austria	Mr. Mayr-Harting
	Burkina Faso	Mr. Kafando
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Hernández-Milian
	Croatia	Mr. Vilović
	France	Mr. Ripert
	Japan	Mr. Takasu
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Mexico	Mr. Heller
	Russian Federation	Mr. Rogachev
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Bui The Giang

Agenda

Protection of civilians in armed conflict

Report of the Secretary-General on the protection of civilians in armed conflict (S/2009/277)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

Report of the Secretary-General on the protection of civilians in armed conflict (S/2009/277)

The President: I should like to inform the Council that I have received letters from the representatives of Afghanistan, Argentina, Australia, Bosnia and Herzegovina, Brazil, Canada, Colombia, the Czech Republic, Georgia, Guatemala, Indonesia, Israel, Italy, Jordan, Kenya, Liechtenstein, Morocco, New Zealand, Nicaragua, Norway, Peru, Qatar, the Republic of Korea, Sri Lanka, Switzerland, the Syrian Arab Republic, Uruguay and the Bolivarian Republic of Venezuela, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: I should like to inform the Council that I have received a letter dated 16 June 2009 from the Permanent Observer of Palestine to the United Nations, which will be issued as document S/2009/324 and which reads as follows:

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council which will be held on Friday, 26 June 2009, regarding the protection of civilians in armed conflict."

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to participate in the meeting, in accordance with the rules of procedure and the previous practice in this regard.

There being no objection, it is so decided.

At the invitation of the President, Mr. Mansour (Palestine) took the seat reserved for him at the side of the Council Chamber.

The President: I should like to inform the Council that I have received a letter dated 25 June 2009 from the Permanent Representative of the Libyan Arab Jamahiriya, in which he requests that the Senior Political Affairs Adviser at the Office of the Permanent Observer of the African Union to the United Nations, Mrs. Alice Mungwa, be invited to participate in the consideration of the item, without the right to vote, in accordance with rule 39 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

I invite Mrs. Mungwa to take the seat reserved for her at the side of the Council Chamber.

I propose, with the consent of the Council, to extend an invitation under rule 39 of its provisional rules of procedure to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

It is so decided.

I invite Mr. Holmes to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2009/277, which contains the report of the Secretary-General on the protection of civilians in armed conflict.

At this meeting, the Security Council will hear a briefing by Mr. John Holmes.

I now give him the floor.

Mr. Holmes: Thank you, Mr. President, for this opportunity to brief the Council.

On this day in 1945, 50 States gathered in San Francisco to sign the United Nations Charter in an expression of their determination, in the words of the

Preamble, to save succeeding generations from the scourge and the untold sorrow of war and to ensure the use of armed force only in the common interest.

That determination to save succeeding generations from the scourge of war remains unfulfilled in all too many parts of the world. The sorrow and, I would add, brutality of war continue to be felt by untold millions of civilians, trapped by conflict or forced into flight. It is precisely against them and their rights and interests that armed force is so often used with devastating effect.

As the report of the Secretary-General (S/2009/277) before the Council today makes clear, a large part of the reason for that distressing state of affairs lies in the fundamental failure of parties to conflict, deliberately or otherwise, to respect and to ensure respect for their obligations to protect civilians.

It is a failure that demands, in the words of the Secretary-General, a reinvigorated commitment from us all to the Council's agenda on the protection of civilians and to promoting respect for the principles of international humanitarian law, human rights law and refugee law.

In the last 10 years, the protection of civilians in armed conflict has assumed a prominent place on the Council's agenda, as manifested in these regular open debates, the Secretary-General's periodic reports and the four thematic Security Council resolutions on the protection of civilians.

Most importantly, concern for the protection of civilians has increasingly permeated the country-specific deliberations and decisions of the Council. Regular meetings of the Expert Group on the Protection of Civilians and the systematic application of the revised aide-memoire — a published, user-friendly version of which has been distributed to the Council this morning — should further enhance the Council's response to protection issues in a more comprehensive and systematic way.

Yet, and as the five months since my last briefing have once again shown (see S/PV.6066), the reality on the ground has not changed in the same way at all. We cannot be remotely satisfied with the situation that we see in so many parts of the world today. Lip service to the principles of international law is no substitute for real action. And the latter is in sadly short supply. Much greater efforts are required to enhance compliance and, for that matter, accountability on the ground — that is to say, compliance by all parties to conflict with the applicable law and with the demands and decisions of the Council, and accountability for those individuals and parties that fail in those respects.

The Secretary-General's report sets out five core challenges. The first is enhancing compliance by parties to conflict with international humanitarian law and human rights law, with particular concern over the conduct of hostilities. The lack of compliance leads not only to the death and injury of hundreds of civilians in conflicts every week, but to the displacement of thousands more. The word displacement does not do justice to the reality — that is thousands of innocent civilians forced every single week to flee attacks and the destruction of their homes, their communities and their livelihoods, and to fall into an existence marked by danger, suffering and psychological anguish.

While the weapons have finally — and thankfully — fallen silent in Sri Lanka, deaths of civilians in places such as Somalia, Afghanistan and the Democratic Republic of the Congo constantly remind us of the urgent need for parties to conflict to be much more scrupulous in their efforts to spare civilians from the effects of hostilities.

In the Somali capital Mogadishu, for example, the eruption last month of renewed hostilities between forces aligned with the Transitional Federal Government and non-State armed groups has been marked by the bombing of civilian areas and street battles, with little or no regard for the safety and security of the civilian population. Since the first week of May, more than 200 civilians have been killed and over 800 wounded, while some 160,000 people have fled their homes.

In Afghanistan, the number of civilians killed and injured in the fighting continues to rise as the conflict intensifies, particularly in the south.

The United Nations Assistance Mission in Afghanistan reports that 261 civilians were killed in May alone. Anti-Government elements remain responsible for the majority of these civilian deaths through attacks on residential areas and schools, the use of improvised explosive devices and, often, targeted or otherwise reckless suicide attacks.

Suicide attacks and bombs left in public places have become so commonplace, not just in Afghanistan but also in such places as Iraq and Somalia, as to warrant no longer the same degree of attention and

outrage as they once did. Yet their impact on civilians is no less devastating, the responsibility of those who orchestrate them no less grave, and the need for systematic and effective condemnation from those in positions of authority and influence, including religious authorities, no less urgent.

Civilians continue to die in Afghanistan also as a result of the actions of pro-Government forces, particularly during air strikes. I welcome recent statements from the incoming leadership of United States and international armed forces in Afghanistan on the need to reduce civilian casualties, review rules of engagement and ensure their strict observance.

We will monitor such efforts closely, just as we continue to carefully monitor the situation of the civilian population in the North and South Kivu provinces of the Democratic Republic of the Congo. Since January, a wave of attacks on the civilian population by the Forces démocratiques de libération du Rwanda, including all too common acts of rape and other forms of sexual violence, has driven more than 370,000 people from their homes.

Alarmingly, the allegations of violence and abuse committed against civilians extend to members of the Armed Forces of the Democratic Republic of the Congo engaged in Operation Kimia II in South Kivu. Elsewhere in the region, the Lord's Resistance Army continues to spread fear and death among the civilian population, with frequent attacks and abductions in Haut Uélé.

The choice of weapons is critical in minimizing and reducing the impact of hostilities on civilians. We have seen significant progress in efforts to address the humanitarian impact of cluster munitions with the adoption last year of the Convention on Cluster Munitions. Such progress is welcome, but there is a broader concern, expressed in the report, at the indiscriminate and severe humanitarian impact of explosive weapons more generally, particularly when used in densely populated areas, as we have seen in recent conflicts. I join the Secretary-General in urging Member States, in consultation with relevant United Nations and other actors, to consider this issue further, including addressing the widespread use of improvised explosive devices in densely populated areas.

As noted in the Secretary-General's report, the Council has an important role to play in promoting systematic compliance with the law in situations on its agenda. This includes consistently condemning violations, without exception, and demanding compliance. It also includes the threat and application of targeted measures in cases of non-compliance, and requests for reports on violations and the mandating of commissions of inquiry where concerns exist regarding serious violations of international humanitarian and human rights law.

But the Council's concern cannot be limited only to those situations formally on its agenda. Even conflicts that are not perceived by all Council members to have implications for international peace and security can have a dramatic impact on the protection of civilians and can warrant Council action.

As I mentioned in my briefing in January (see S/PV.6066), it is relatively straightforward, if not always productive, for us to raise concerns over the conduct of hostilities and other protection issues directly with States and national armed forces. But, as humanitarians, we cannot talk only to one side. We must be able to engage and seek compliance by all parties to conflict, including non-State armed groups — the second of the five challenges identified in the report.

Unpalatable though this may be for some States, the simple yet brutal reality is that the failure to engage armed groups is always likely to mean more, not fewer, civilians killed and wounded. It is essential also to gaining access to those in need and to establishing a safe and secure environment in which the activities of humanitarian organizations are accepted and respected.

Various initiatives can and have been pursued to this end. These include training and the conclusion of special agreements or codes of conduct, through which groups commit to comply with their obligations. As recommended by the Secretary-General, as a first step towards a more comprehensive approach to addressing the actions of non-State armed groups, I would urge the Council to convene an Arria formula meeting to discuss the experience of United Nations and non-governmental actors in engaging armed groups, and to help identify additional measures that the Council and Member States could take to improve their compliance.

The inclusion of protection activities in the mandates of United Nations peacekeeping and other relevant missions has been a significant feature of the Council's efforts to improve protection on the ground. From Sierra Leone in the past to the present-day Democratic Republic of the Congo and the Sudan,

peacekeeping operations have made and continue to make important contributions to the safety and security of civilians. The challenge now, as identified in the report, is to maximize their impact by addressing the disconnect between mandates, intentions, expectations, interpretations and implementation capacity.

Practically, that means providing clear and practical guidance to heads of missions and force commanders on implementing protection mandates. It means the development, on a more systematic basis, of mission-specific protection strategies and the spread of best-practice innovations. It also means, to paraphrase resolution 1674 (2006), ensuring not only that protection is prioritized in decisions concerning the use of available capacity and resources, but more crucially still that the capacity and resources provided are genuinely appropriate for the task of protecting civilians.

These and other issues will be addressed in the forthcoming independent study commissioned by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations, to be completed this summer. Its recommendations for improving the impact of protection mandates will be shared with the Council.

Among the protection tasks assigned to peacekeeping missions, creating conditions conducive to the provision of humanitarian assistance has in many cases been critical. It has, no doubt, helped save lives in such places as Chad, the Democratic Republic of the Congo and the Sudan, but peacekeeping missions are not present in all situations. Moreover, humanitarian organizations should not need to rely on such missions to help ensure their access to civilians in need. The Council itself has called on all parties concerned, including non-State actors and neighbouring States, to cooperate fully with the United Nations in providing safe, timely and unimpeded access to civilians in armed conflict.

Yet, as detailed in the annex to the report, our access to conflict-affected populations is too often unsafe and not timely enough, and too frequently impeded. Millions of vulnerable people are deprived of assistance as a result. Enhancing access to those in need is identified as the fourth challenge in the report. Many factors interfere with access, but three constraints are the most severe and most widespread.

First is burdensome bureaucracy. Permissions and travel notifications restrict the movement of humanitarian actors, while customs and quotas on goods stifle the flow of aid. The result is that those in need do not receive the assistance they need when and where they need it.

In Gaza, for example, the criteria used by the Israeli authorities for allowing the import of goods remain unpredictable. Medical supplies can be subject to particularly long delays. Israel's decision in March of this year to allow the unrestricted entry of all foodstuffs from Government-approved sources remains unimplemented and, despite major shelter and reconstruction needs following the hostilities earlier this year, only a fraction of the required construction materials have so far been allowed into Gaza.

In the Sudan, the convening of the now-expanded high-level committee represents significant progress towards renewed cooperation to facilitate humanitarian action in Darfur. The committee must now be replicated at the State level in Darfur in order to eliminate inconsistencies in implementation and maximize aid effectiveness, especially given the upcoming hunger gap and rainy season.

Secondly, all too often parties to conflict neglect to ensure the well-being of conflict-affected populations during intense hostilities, even when they need emergency medical assistance. In Somalia, for example, the renewed hostilities in Mogadishu have led some humanitarian actors to cease activities in recent weeks, including providing medical services for the civilian population at a time when humanitarian needs are significantly rising. It is critical that parties to conflict allow and facilitate the delivery of humanitarian assistance in such circumstances, including through such operational measures as de-conflicting arrangements, days of tranquillity, and humanitarian pauses. They must also allow safe passage to civilians seeking to flee zones of fighting.

The most abhorrent and worrying constraint on access stems from violence against humanitarian operations and staff themselves, which has steadily increased over the past decade, including a sharp rise in attacks affecting United Nations agencies since 2006. The year 2008 was the worst on record for all humanitarian actors taken together.

I am currently particularly concerned for humanitarian personnel in Afghanistan, Chad, the

Democratic Republic of the Congo and Somalia. The dangers and deaths in Somalia and Afghanistan are well known. Three local humanitarian workers with non-governmental organizations were murdered earlier this week in Afghanistan. In Chad, violent criminality continues to impede humanitarian operations, including situations where humanitarian convoys accompanied by armed escorts have been caught in the crossfire. In the Democratic Republic of the Congo, attacks on humanitarian workers have averaged one every three days since the start of 2009.

Such incidents are unfortunately not aberrations, and they will not disappear without concerted action. Humanitarian workers are targeted on occasion for political reasons. Relief supplies and assets are viewed as soft targets for criminal exploitation.

Critical in this regard is broadening the understanding and acceptance among all actors, State and non-State, of the purpose of independent, neutral and impartial humanitarian action. The Council has an important role to play in bringing this about. Possible steps in particular situations include calling on parties to allow and facilitate the provision of assistance, to allow safe passage for civilians seeking to flee zones of fighting, to conclude and implement agreements to expedite the deployment of humanitarian staff and assets and to condemn systematically acts of violence targeting humanitarian workers.

Above all, the Council should ensure that constraints on access have consequences for those that impose them and not just those that suffer because of them. That means, for example, applying targeted sanctions against individuals obstructing access or perpetrating attacks against staff, and even being ready to refer situations involving the prolonged and wilful impediment of relief, or attacks against humanitarian workers, to the International Criminal Court (ICC).

Just as constraints on access must have consequences, so too must other violations of international humanitarian law and human rights law — and with obvious good reason. It is to a large degree the absence of accountability and, worse still, the absence in many instances even of any expectation or fear of accountability that allows violations to thrive. Addressing this culture of impunity is the fifth challenge identified in the report.

Ensuring accountability begins with training combatants on the law, issuing manuals, orders and instructions setting out their obligations and establishing effective disciplinary measures to ensure their observance. It includes adopting national legislation for prosecuting genocide, crimes against humanity, war crimes and other serious violations of human rights law. And it extends to ratification of the ICC Statute and full cooperation with the Court and similar mechanisms.

For the Council, it means insisting on such cooperation and, if necessary, enforcing it through targeted sanctions. And it means systematically requesting reports on violations and mandating commissions of inquiry to examine situations of concern.

In practical terms — in the Democratic Republic of the Congo, for example — this translates into ensuring accountability for the seemingly endless and appalling stream of acts of sexual violence attributable to all parties. It also means that allegations of violations committed by members of the Armed Forces of the Democratic Republic of the Congo (FARDC), including but not only in the context of Operation Kimia II, be investigated and their perpetrators held to account. The establishment by the United Nations Organization Mission in the Democratic Republic of the Congo of a rapid response and early warning cell to collect information on cases of ill-discipline and human rights violations committed by the FARDC is a welcome step, but in the meantime the FARDC must redouble its efforts to instil discipline and respect for the law into its troops.

In Afghanistan, accountability means prompt and credible investigations into air strikes and other incidents causing the death or injury of civilians or damage to civilian property, with adequate and timely information provided on the outcome of investigations and payments made to those affected. And in situations like that of Sri Lanka, it means key members of the international community and this Council supporting international calls for an independent investigation into alleged violations committed during the hostilities.

Accountability also means reparations. I would urge the Council to call on States to establish, or itself to mandate, in relevant contexts, mechanisms to receive claims alleging violations of international humanitarian law and human rights law.

The last 10 years have provided us with a tantalizing sense of the potential of the agenda on the

protection of civilians. We now have to realize that potential by meeting these five core challenges.

We will consult with Member States on further possible steps to make the most of the tools at the Council's disposal in advance of the next debate on protection of civilians, in November, which will mark the tenth anniversary of the Council's consideration of the protection of civilians as a thematic issue. Ultimately, the aim must be to enhance compliance and accountability, not just in respect of the law but also, crucially, in respect of the demands and decisions of this Council. The Council's willingness and ability to uphold and enforce its own demands and decisions is inevitably the real test of its commitment to the protection of civilians.

The President: In accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than five minutes, in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the texts in writing and to deliver a condensed version when speaking in the Chamber. We have 49 speakers who wish to take the floor today.

I shall now give the floor to the members of the Council.

Mr. Vilović (Croatia): Mr. President, at the outset I wish to thank you and the Turkish presidency for organizing this debate on the protection of civilians during armed conflict. I would also like to thank Under-Secretary-General for Humanitarian Affairs John Holmes for his important briefing.

Croatia aligns itself with the statement of the European Union to be delivered later by the representative of the Czech Republic. I should like here to make some specific points.

Battles of the past were largely conducted on battle fields. The middle of the last century marked a turning point in the nature of contemporary conflict, especially as it relates to civilians. The last century witnessed such distressing phenomena as ethnic cleansing, crimes against humanity and genocide, for which we unfortunately have too many examples. These abhorrent practices, this new manner of waging war, are something that the international community must continue to address, for complacency in tackling this challenge may well equal complicity.

As a point of departure we would like to highlight once again the Geneva Conventions, which lie at the core of international humanitarian law and the protection of civilians. This Council has on numerous occasions reaffirmed its commitment to protect those most vulnerable in armed conflict and has repeatedly condemned systematic and widespread violations of international humanitarian and human rights law, most recently in our January debate on this very issue. The revised aide-memoire adopted at that time (S/PRST/2009/1, annex) provides valuable guidance for Council action, integrating the many different aspects of the protection of civilians.

There continues to be a humanitarian imperative that all States be bound by the very real need to reduce human costs in armed conflict, in particular the imperative to uphold the rights of civilians. The Council can and has pronounced itself on these issues and can impose targeted measures and individual sanctions against individuals responsible for grievous violations of humanitarian law and human rights.

Recent normative and methodological advancements have allowed us to increasingly bring to light the plight of women and children, especially young girls, in armed conflict, as well as to address certain types of weapons. Yet despite the advances made in implementing international humanitarian law and the work being done by a plethora of actors on these issues, Croatia is concerned by the heavy toll that civilians in many conflict areas around the world civilians continue to bear. This year alone, our discussions on this subject have been held against the distressing backdrop of the suffering of civilians in such places as the Democratic Republic of the Congo, Gaza and the Sudan.

In situations where prevention has failed, national Governments need to be held accountable for arresting and prosecuting those who have committed grave crimes, as the primary responsibility for protecting civilians lies with the parties to an armed conflict. If Governments fail to investigate, prosecute and adequately punish violations of international humanitarian law committed by members of their own armed forces or committed on their territory, recourse to the International Criminal Court (ICC) can and should be considered. That is where the Security Council can play an important role, as it did by referring the situation in Darfur to the ICC.

Last year, at the open debate on the protection of civilians, Croatia called for more consistent attention from the Security Council on this issue. We have been pleased to find that, over the past year, important progress has been made. The Council agreed to negotiate the expansion of triggers in the area of children in armed conflicts and adopted resolution 1820 (2008) on sexual violence in armed conflict.

We look forward to the upcoming report of the Secretary-General on the implementation of resolution 1820 (2008). We also look forward to the issuance of the study undertaken by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations on how United Nations missions can contribute more to the protection of civilians. While we acknowledge that many peacekeeping operations have strong provisions in their mandates on the protection of civilians — which we salute — and often act in close cooperation with the Office of the United Nations High Commissioner for Refugees, UNICEF and the Office of the High Commissioner on Human Rights on the ground, more attention needs to be given to the implementation of these provisions, including to possible lessons learned from a variety of situations.

Croatia is concerned about reported cases where Governments or armed groups are denying access to humanitarian assistance. Preventing food and other supplies from reaching civilians, especially children, desperately waiting for assistance has in many cases developed into another deplorable method of war. We strongly condemn attacks on humanitarian personnel and we urge all parties to conflict to ensure their safety.

When we talk about civilians in armed conflict, let us not forget that many of them have ended up with disabilities, both physical and psychological. We should intensify our efforts to help them live a dignified life, especially during the delicate time of post-conflict peacebuilding.

We are on a good path towards addressing the many challenges that still lie ahead of us. We have a good basis and practice on which we can build, including on how to be more systematic in our approaches to protection issues. When we make decisions and adopt resolutions in this Council, we should therefore also ask ourselves what impact they will have on civilians on the ground. Let us use the power we have in order to be advocates for those who have no voice. In the end, that is the best legacy we can leave both for them and ourselves.

Mr. Bui The Giang (Viet Nam): On 14 January, in this Chamber, the Security Council held an open debate on the protection of civilians in armed conflict. Fewer than six months have passed since then. Our presence here today to discuss the same topic for the second time within such a short span is clear evidence of the importance of this topic. I therefore thank you, Mr. President, for your initiative to convene this meeting. I also thank the Secretary-General for his report (S/2009/277) and Under-Secretary-General Holmes for his briefing.

Joining all members of the Council in celebrating the tenth anniversary of the Security Council's first consideration of the protection of civilians in armed conflict as a thematic issue, my delegation commends the progress recorded so far thanks to the aggregate endeavours of all stakeholders, particularly those women and men of United Nations missions dispatched to the field to contribute to lessening the suffering of civilians in certain parts of the world.

We are, however, deeply concerned about the persistent and pervasive violations as well as the increasing indiscriminate and excessive use of force against civilians in conflict situations. We continue to be disturbed by the growing number of deaths and injuries inflicted upon civilian populations. We also continue to be preoccupied by the widespread displacement of civilians in most conflicts and by the threat that it could provoke another conflict as a consequence of the resulting social tension and a myriad of problems for the host location. While aware of the many reasons that have been put forward to explain this situation, we are convinced that the most visible and undeniable reason is the common failure to comply with international law, especially international human rights and humanitarian law, as well as the common failure to ensure humanitarian access for civilians, especially access to food, fuel and medical treatment, as clearly mentioned in the Secretary-General's report and its annex.

In this regard, my delegation should have liked to see the situations of civilians in armed conflict presented in a more structural manner in the report. Supported by the aide-memoire on the protection of civilians in armed conflict (S/PRST/2009/1, annex) and with more weight given to analysing the situation on

the ground, a more structural report would provide a better foundation for more adequate, timely and convincing recommendations.

As it has in all Security Council debates and other meetings on this topic, my delegation reiterates Viet Nam's consistent view that the State must bear the primary responsibility for protecting its civilians and that, as the largest and most representative organization of States, the United Nations system has a critical role to play, particularly in political mediation, peacekeeping operations and humanitarian and development assistance.

In this regard, and given the comprehensive nature of any feasible solution, we wish to underline the imperative to enhance coordination among United Nations bodies — above all the Office for the Coordination of Humanitarian Affairs (OCHA) and the Office of the United Nations High Commissioner for Refugees, the Department of Peacekeeping Operations, the Special Representative of the Secretary-General for Children and Armed Conflict and all United Nations field missions — in responding to the needs of civilians in armed conflict, not only in physical security terms, but in political and socio-economic terms as well.

Reality has proved that, while possibly effective in certain cases, dialogue with non-State armed groups must be carefully considered and approached in the overall framework of cooperation with the States in question in order to avoid the unintended legitimization of illegal or even internationally recognized terrorist groups. Similarly, to end impunity, as called for in resolution 1674 (2006), we support, inter alia, the implementation of justice and reconciliation mechanisms, including national, international and mixed criminal courts and tribunals and truth and reconciliation commissions, as appropriate. Nonetheless, we believe that the referral of situations to international criminal courts or similar mechanisms should be considered on a case-by-case basis to avoid the risk of infringement of national sovereignty resulting from generalization.

Furthermore, having attended informal meetings of the Expert Group and benefited in certain measures from the information provided by OCHA before the renewal of the mandate of some United Nations missions, my delegation remains affirmative in its view that the establishment of any new mechanism within the Security Council must be thoroughly studied before a decision is made in order to avoid operational and institutional duplication, as well as financial implications. This approach is all the more necessary in the context of the ongoing United Nations reform to improve the efficiency of each and every United Nations body, including the Security Council.

Recalling the six reports considered by this Council, which contain more than 100 recommendations, and the eight presidential statements adopted by this Council over the past 10 years on this issue, I wish to conclude by joining the Secretary-General in calling for greater focus on the effective, actual translation of these documents into improvements in the protection of civilians on the ground so that civilians can eventually be truly freed from the scourge of armed conflicts mushrooming in many parts of the world in this twenty-first century.

Mr. Heller (Mexico) (*spoke in Spanish*): My delegation thanks you, Sir, for convening this debate, which comes at a time when the protection of civilians in armed conflicts is assuming particular importance. Although the obligations stemming from international instruments on international humanitarian law, human rights and refugee law are well known, the scope and impact of conflicts continue to have serious effects on people in various regions of the world.

We are grateful to Under-Secretary-General Holmes for his statement and introduction of the report of the Secretary-General (S/2009/277). We also appreciate the document from the Office for the Coordination of Humanitarian Affairs that has been issued today.

The number and complexity of current conflicts, the lack of respect for the norms of international humanitarian law and the use of ever more sophisticated weapons that have indiscriminate effects on civilian populations have all served to increase the challenges facing the Security Council. They also constitute the backdrop against which to evaluate the results obtained in implementing the recommendations that have been made in the 10 years that this item has been on the Council's agenda. Unfortunately, the catalogue of acts of aggression of various kinds from which civilians suffer has become part of our daily lives. The diverse nature of the situations that have been mentioned today is also something that the Council should respond to appropriately.

Mexico expresses its concern about the fact that in recent conflicts the parties involved have made

illegal and excessive use of force and have used weapons that have been prohibited under international humanitarian law. My delegation would like to reiterate the importance of the principles pertaining to distinguishing between civilian and military targets, to proportionality and to the prohibition of indiscriminate attacks and of certain weapons. We should recall once again that we have an obligation to abide by and enforce international humanitarian law, as established in the 1949 Geneva Conventions.

The lack of access to humanitarian assistance, the use of cluster munitions and the availability of small arms, as well as the right to housing, land and property, are just some of the challenges that require concrete action, given their pernicious effects in the proliferation of armed conflicts and in the toll in innocent lives.

We once again call on the Members of the Organization to take every necessary measure to facilitate and guarantee the safe, unobstructed and timely delivery of humanitarian assistance to people affected by conflict. In that regard, we recall the relevance of resolution 1502 (2003), for which Mexico advocated, on the protection of United Nations and associated personnel and humanitarian personnel in conflict zones.

We join the Secretary-General in calling on States that have not yet done so to ratify without delay the Convention on Cluster Munitions and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction.

Given the negative effects of the excessive availability of small arms and light weapons in exacerbating conflicts, Mexico would like to reiterate its commitment to honour and promote the implementation of Security Council arms embargoes. We urge States to honour their commitments under the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, as well as those under the relevant regional conventions in that regard.

With regard to the issue of housing, land and real property, we should strengthen the Council's commitment to ensure that refugees and internally displaced persons are able to freely return to their homes in safety.

As the guarantor of international peace and security, the Security Council has the obligation to take every measure necessary against those who commit any violation that threatens or severely endangers civilians during armed conflict. Mexico believes that Council resolutions on the protection of civilians in armed conflict should be grounded in the norms and principles of international humanitarian law. That will make it possible to strengthen and further develop that body of norms. It would also confer greater legitimacy on the decisions and actions of the Council.

My delegation acknowledges the efforts by the international community to strengthen international humanitarian law, as exemplified by the initiative launched by the Government of Switzerland and the International Committee of the Red Cross to draw up the Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict. Those initiatives contribute to a better understanding about the participation of non-State and non-traditional actors in armed conflict. In the first few months of its participation in the Security Council, Mexico has endeavoured to adhere to the principles underpinning this issue and to contribute to developing agreements conducive to the maintenance of international peace and security.

With regard to the humanitarian crisis in Sri Lanka, we encouraged the Government's efforts to protect civilians and persons displaced by the conflict. We also called on the parties to always respect international humanitarian law. Furthermore, we repeatedly called on the Government to coordinate its efforts with those of the United Nations agencies in order to evacuate the people trapped by the conflict, as well as to ensure the best possible accommodation and conditions for displaced persons in dignified and safe facilities in which they could receive basic humanitarian assistance, including appropriate care in hospitals. Although the military part of the conflict has come to an end, various sources have mentioned grave violations of international humanitarian law and international human rights norms committed by the parties that warrant investigation by an independent commission. Accounting for what has happened is not merely about justice, it is also a necessary step in facilitating the process of national reconciliation in every society emerging from conflict.

With regard to the situation in the Middle East, we have underscored that all parties should constantly abide by the provisions of international humanitarian law, honour their international obligations and avoid actions that may put civilians in danger. Since the end of the crisis in Gaza at the beginning of this year, Mexico has emphasized the need to put in place an international monitoring mechanism to ensure a lasting ceasefire, the opening of the border crossings, an end to the illicit trafficking in weapons and humanitarian assistance to the population.

The situations that I have just referred to, as well the others that have been mentioned today, illustrate that the responsibility to protect — a principle adopted by the General Assembly in 2005 — is not an abstract concept but rather one whose real value we can appreciate when we face crisis situations. Let us not fall into an endless theoretical debate while reality outpaces our Organization's capacity to act.

We should bear in mind that violations of the norms and basic principles of international humanitarian law constitute war crimes, and that it is the Member States who bear the primary responsibility to investigate and prosecute those allegedly responsible for them. Transparency and accountability acquire an essential prime significance when it comes to protecting civilians in armed conflict. Should States lack the capacity or willingness to prosecute alleged perpetrators, the International Criminal Court has the jurisdiction to take up such crimes, as set forth in the Rome Statute.

In the case of Darfur, following the presentation of the report of the Prosecutor early this month, we underscored that it was unacceptable that hundreds of thousands of individuals have been murdered, raped or forcibly displaced without access to basic humanitarian assistance. Mexico has repeatedly affirmed that the decision of the Government of the Sudan, in response to the Court's decision in March, to expel humanitarian organizations that were providing humanitarian assistance was unfortunate, to say the least. It has only increased the harmful consequences for the civilian population in Darfur.

To conclude, Mexico reiterates the urgent need for all parties to conflict to put an end to flagrant violations against civilian populations. It is essential that the international community focus its attention on the prevention of conflicts and the promotion of a culture of respect for the principles and norms that enshrine the protection of civilians in armed conflict and the eradication of impunity. The report of the Secretary-General and the aide-memoire submitted by the Office for the Coordination of Humanitarian Affairs are an excellent foundation for our future work in this area.

Mr. Takasu (Japan): I would like to thank the Secretary-General for preparing his report on the protection of civilians in armed conflict (S/2009/277). I am also deeply grateful to Under-Secretary-General John Holmes for his briefing.

Substantial progress has been made on the protection of civilians in armed conflict since the first debate of the Council on this subject 10 years ago. The Council has since produced a number of well-established normative frameworks, including one that was laid out in resolution 1674 (2006). As a result, awareness has been raised among Member States and the Council has adopted a growing number of decisions related to this issue to advance the cause in country-specific deliberations.

We welcome the recently adopted practice of convening a meeting of the Security Council Expert Group on the Protection of Civilians to receive a briefing from the Secretariat on up-to-date and detailed information on the protection of civilians prior to consultations on the mandates of specific peacekeeping missions. All Council members should take full advantage of these briefings.

What is most important now is to put those established normative frameworks into practice. Despite the progress to date, we have grave concerns about ongoing civilian casualties all over the world, be they civilians, journalists or humanitarian workers. We cannot accept child soldiers, sexual violence or any of the other violations of international human rights and humanitarian law that take place somewhere in the world every day. We have to redouble our efforts. Today, I would like to highlight three points.

First of all, we should emphasize that it is States that have the primary responsibility to enhance compliance with international law and to protect civilians. At the same time, we need to address the serious impact that non-State groups are having. We are appalled by the use of civilians as human shields by, for instance, the Liberation Tigers of Tamil Eelam, and deliberate attacks on civilians by the Lord's Resistance Army. Non-State armed groups often

deliberately use civilians to attain their political and military ends, and fighting inevitably produces civilian casualties.

It is essential to ensure compliance with international humanitarian law by non-State actors as well. We believe that the protection of civilians should be a priority in any conflict situation, be it a civil war or an anti-terrorist operation. At the same time, we recognize the legitimate right of sovereign Governments to combat illegal armed groups and terrorist organizations.

It is not always easy to attain the two objectives at the same time: on one hand, to fight against a rebel group or terrorist organization and, on the other, to protect civilians and minimize casualties. But both objectives must be pursued simultaneously to the fullest extent. The international community, in particular the Security Council, needs to discuss in depth how to achieve both objectives and, particularly, how to ensure humanitarian access and compliance with international humanitarian law by non-State armed groups. There are suggestions in the report of the Secretary-General, and we can start from there.

The second issue is the mandate of peacekeeping operations. Protecting civilians is an effective way to contribute to social stability and prevent the recurrence of a conflict. The Council has therefore mandated many peacekeeping operations to protect civilians.

However, as the report makes clear, a substantial gap exists between the high expectations placed on a mission to carry out the mandate when the Security Council takes a decision and the actual implementation on the ground of those mandates. The Council needs to address this discrepancy in all its aspects, including mandate formation, mission planning, human and financial resources, necessary equipment, standards of operation and rules of engagement.

The Working Group of the Whole on United Nations Peacekeeping Operations, under my chairmanship, has committed to address these issues through discussions with troop-contributing countries, police-contributing countries, major financial contributing countries and other major stakeholders. The Working Group will make every effort to formulate concrete measures that will facilitate improving operational capacity to implement complex mandates. I urge members to extend their full cooperation so that the Group may complete its task on time.

The independent study on the protection of civilians commissioned in the Secretariat by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations will also attempt to address these issues, and we look forward to its findings.

The third point is the human security perspective. I would like to emphasize how important it is for the protection of civilians that we work to empower individuals and communities to prevent the recurrence of a conflict. Empowerment is vitally important if vulnerable people, such as refugees and internally displaced persons, are to be able to stand on their feet again and begin to rebuild their lives.

Empowerment is at the very core of human security, which the Friends of Human Security, under the co-chairsmanships of Mexico and Japan, have been promoting. I am very grateful for the commitment of Ambassador Heller on this. Appropriate assistance for empowerment, such as income-generating activities, education and health services, are key components in protecting civilians and ensuring human security.

Through the Friends of Human Security, we will continue to make every effort to operationalize this approach in the activities of the United Nations. We believe that doing so will provide added value so that civilians are properly protected irrespective of their legal status when they find themselves caught in the midst of conflict.

In conclusion, Japan supports the recommendations contained in the report of the Secretary-General. We attach importance to the briefings of the Expert Group and to applying the revised aide-memoire to review mission standards. It is my conviction that we should measure the progress in meeting our common challenge not by the number of documents or analyses that we prepare, but by the number of lives we can save and the people we protect on the ground. The Security Council is responsible for considering specific action based on the information and recommendations presented to us. The Council must monitor closely and ensure the implementation of any decision it has taken. To that end, we are ready to consult with other Member States and the Secretariat.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): The Chinese delegation welcomes the holding of this debate. We would like to thank Under-Secretary-General Holmes for his briefing.

This year marks the tenth anniversary of the Council's first discussion of the protection of civilians in armed conflict. For the past decade, the international community has focused increasing attention on the protection of civilians in armed conflict, and the Council has adopted numerous resolutions and presidential statements in this regard.

However, in today's world, there are still large numbers of civilians who find themselves harmed and affected by armed conflict. The international community therefore still faces a long and arduous task in protecting civilians. We are deeply concerned about the threats posed by armed conflict to the lives and property of civilians. We urge all parties to conflict to respect international humanitarian law and the relevant resolutions of the Council by protecting the lives, property and legitimate interests of civilians.

The Council, as the nucleus of the United Nations collective security mechanism bears the main responsibility for the maintenance of international peace and security. The protection of civilians should be addressed comprehensively within the larger framework of a political process aimed at the peaceful resolution of conflict. It is important to tackle this problem upstream and to do everything we can to prevent and reduce the number of conflicts in order to eliminate the harm to civilians caused by armed conflict.

Responsibility for the protection of civilians falls first and foremost on national Governments. The international community and external organizations may provide constructive assistance. However, while doing so they must abide by the relevant provisions of the United Nations Charter and fully respect the will of the countries concerned and their sovereignty and territorial integrity. They must do all they can to avoid wilful intervention in that regard. When it comes to fighting impunity and achieving justice, we are in favour of granting an important role to national courts and tribunals as the main avenue to achieving that goal.

The Council has an active role to play with regard to advancing the call for the protection of civilians in armed conflict. However, China has never been in favour of the Council resorting to the use of or threatening the use of sanctions at every turn. Special care must be taken in particular when addressing the protection of civilians in armed conflict. It must be reemphasized that national Governments have the right to take law enforcement action to fight terrorists, extremists and separatists in their territory, in order to safeguard their own and the region's security, peace and stability.

Law enforcement action taken by national Governments in the fight against terrorism has nothing to do with armed conflict. Therefore, the international community may not take steps to limit or intervene in the legitimate law enforcement actions of national Governments, based on the pretext of the protection of civilians.

The majority of conflicts take place in the underdeveloped regions of the world. One of the many and varied causes of armed conflict is poverty and the accumulated lack of progress in economic development. The United Nations has an important role to play in mobilizing international resources and providing financial and technical assistance to the countries concerned.

When it comes to the protection of civilians in armed conflict, we must not rely solely on the efforts of the Council. The General Assembly, the Economic and Social Council, the United Nations Development Programme, the World Bank and regional organizations should play their respective roles in helping to develop national economies, resolving conflict and protecting civilians. China also welcomes the active involvement by non-governmental organizations in that regard. China is ready to work together with other members of the international community to achieve concrete results on the protection of civilians through pragmatic and effective efforts.

Mr. Hernández-Milian (Costa Rica) (*spoke in Spanish*): It an honour for Costa Rica to speak today in its capacity as the Chair of the Human Security Network and on behalf of the following members: Austria, Chile, Costa Rica, Greece, Ireland, Jordan, Mali, Norway, Switzerland, Thailand, Slovenia and South Africa as an observer.

The protection of civilians in armed conflict is one of the priorities of the Human Security Network and we would like to thank the Turkish presidency of the Security Council for the organization of this important debate. I also thank the Under-Secretary-General for Humanitarian Affairs for his presentation today and welcome the submission of the report (S/2009/277) of the Secretary-General on the protection of civilians and its annex on constraints on humanitarian access.

It has been almost 10 years since the first peacekeeping operation was given an explicit mandate on the protection of civilians in Sierra Leone. At this tenth anniversary, we have accumulated important achievements and established a comprehensive framework in the Security Council. It is comprised of four thematic resolutions on the protection of civilians, as well as other milestone resolutions, including 1325 (2000), 1612 (2005) and 1820 (2008), which refer to the protection of specific groups such as women and children. At the country-specific level there has been also significant progress. Today almost all peacekeeping missions have protection-related activities. There are currently eight missions mandated with the specific task of providing physical protection.

In addition to that, we have entered into a new era of multidimensional peacekeeping operations with large civilian components including human rights verification, humanitarian relief, capacity-building, restoration of infrastructure and services, security sector reform and others. As the report clearly states, "Protection of civilians is not a military task alone" (S/2009/277, para. 53). We share that view and believe that a comprehensive approach and inclusive protection strategies are the most effective ways to address and to respond to human security threats to civilian populations in armed conflict.

However, despite the increased attention by the Council, the prevalence of civilian casualties and the number of people affected by armed conflict are still overwhelming. The changing nature of conflict and the complexity of protecting the safety, dignity and integrity of individuals during armed conflict continue to pose new challenges to our collective response.

Costa Rica is deeply concerned about the recurrent attacks against camps for refugees and internally displaced persons, as well as against humanitarian workers; the use of sexual violence and forced displacement as tactics of war; the prevalence of child recruitment; the proliferation of illicit trafficking and misuse of small arms and light weapons; as well as the danger posed by anti-personnel mines and the explosive remnants of war. We also deplore the continued targeting of civilians in many parts of the world, the indiscriminate use of force and the use of civilian populations as human shields.

All parties to a conflict must respect their obligations under international humanitarian law, in particular the principle of proportionality and the principle of distinction between civilian targets and military objectives. Furthermore, we call upon all parties to armed conflict to exercise maximum restraint in the use of force, including the choice of weapons, in order to minimize the impact of hostilities on civilians.

The Security Council is called upon to play an important role in ensuring respect for international humanitarian law and compliance by all parties to an armed conflict. It must respond firmly, systematically, consistently and promptly to prevent violations of international law and to protect civilian populations in all situations without distinction. That also includes creating the conditions conducive to rapid and unimpeded delivery of humanitarian assistance while ensuring the safety of humanitarian personnel.

We also recognize the importance of including the protection of civilians as a component of peacekeeping mandates, as well as clear guidelines and rules of engagement for their effective implementation, without prejudice to the primary responsibility of the host Government to protect civilians. More substantial interaction between the Security Council, the Secretariat, the host country and the troop-contributing countries can also contribute to bridging the gap between the decision-making process and actual implementation on the ground.

In addition, it is also fundamental to address other major constraints faced by peacekeeping operations such as resources, equipment and pre-deployment training. We look forward to reviewing and discussing the findings of the upcoming and soon-to-be-published independent study of the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations on the implementation of protection of civilians mandates in peacekeeping operations.

The respect for and implementation of international humanitarian law are inextricably linked with the fight against impunity. Ending impunity for violations of applicable international humanitarian law and human rights law should be viewed as part of a comprehensive approach to the quest for sustainable peace, justice, truth and national reconciliation. There must be a concerted effort to cooperate with national judicial systems in order to build their capacity and to ensure that perpetrators are brought to justice and prosecuted in conformity with international standards.

Restoring the rule of law, security sector reform and transitional justice mechanisms are also key areas in which national systems should be strengthened and supported through enhanced international cooperation. The International Criminal Court (ICC) and various "mixed" courts and tribunals play an important complementary role in prosecuting persons suspected of international crimes. It is of the utmost importance that national and international criminal justice institutions receive all necessary support on the ground.

The Human Security Network takes note with interest of the January 2009 establishment of the Security Council Expert Group on the Protection of Civilians and the recommendations made in the Secretary-General's report to hold regular meetings of the Group in advance of the establishment or renewal of peacekeeping mandates.

As I said at the outset, this year marks the tenth anniversary of the inclusion of the theme of the protection of civilians on the Security Council agenda. The Human Security Network supports the call made by the Secretary-General in his report to seize the opportunity of the open debate in November to reinvigorate the Council's commitment to the protection of civilians.

I would like to conclude by making also a few remarks in my national capacity on two issues that we consider fundamental for more effective protection of civilians in situations of armed conflict.

First, with regard to the challenge of ensuring compliance with international humanitarian law by non-State armed groups, we believe it is necessary that affected States allow a more systematic protection dialogue between humanitarian organizations and such groups. We are aware that such dialogue depends on the military reality on the ground, that it cannot prejudge the legal status of the non-State parties involved in these situations and that it must be in accordance with the core humanitarian principles of impartiality, humanity, neutrality and independence. However, we believe that the conclusion of special agreements or arrangements such as humanitarian zones, humanitarian corridors or days of tranquillity is crucial to reduce the number of civilian casualties and people affected by the conduct of hostilities.

In addition, promoting understanding of the responsibilities of armed groups towards civilians and seeking their adherence to those responsibilities are elements that are important for the success of protection strategies in many conflict situations. The vast experience of humanitarian organizations, such as the International Committee of the Red Cross, in engaging with various armed groups, has demonstrated the potential benefits of such a dialogue for the civilian population. In this regard, as suggested in the report of the Secretary-General, we support the organization of an Arria formula meeting to discuss the experience of the United Nations and non-governmental organizations, as a first step towards developing a more comprehensive approach towards non-State armed groups.

Finally, I want to stress the need to improve the early warning and rapid response capacity of the Security Council with respect to any situation that could represent an imminent danger to the safety, security and well-being of civilian populations. We agree with the report that pre-emptive action can significantly contribute to that end and that the Council should make use of all the tools at its disposal, including punitive measures, to prevent the escalation of hostilities in situations such as the recent crises in Gaza and Sri Lanka. The Council's credibility depends on its willingness to give equal treatment to the protection of civilians in all situations, even those not formally included in the Council's agenda.

Mr. Ripert (France) (*spoke in French*): I wish at the outset, Mr. President, to thank you for this opportunity to address once again the question of the protection of civilians in armed conflict. We welcome the Secretariat's ongoing commitment to this matter, and in that regard I thank Mr. John Holmes for introducing the report of the Secretary-General (S/2009/277) and, in particular, for the tireless work of the Office for the Coordination of Humanitarian Affairs (OCHA), in particular its work on the ground to help the victims of disasters and catastrophes.

France endorses the statement to be made by the representative of the Czech Republic on behalf of the European Union.

We have just marked the 150th anniversary of the Red Cross and will soon be commemorating the sixtieth anniversary of the Geneva Conventions. Yet despite the commitment of the international community and the mobilization of the Security Council, violations of international humanitarian law are increasing in number and in gravity.

For France, respect for international humanitarian law is not negotiable. As President Sarkozy recalled on 4 May, on the ninetieth anniversary of the International Federation of Red Cross and Red Crescent Societies, all parties to armed conflict, States and armed groups alike, must respect such law. That obligation is not subordinate to the imperatives of combating terrorism; nor is it conditional on respect for such law by other parties. We reaffirmed that principle at the time of the offensive of the Sri Lankan army against the Liberation Tigers of Tamil Eelam, as we do with respect to the fight against terrorist and extremist movements in Afghanistan, Pakistan and the Philippines. The Council could and should intervene more strongly to translate that principle into reality.

By calling for the 29 January debate on respect for international humanitarian law, France wished to initiate a process. We are pleased today that the Secretary-General has decided to consult with members of the Security Council with a view to making recommendations for action at our next open debate on the subject.

Protection mandates for peacekeeping operations clearly are among the means for action at the Council's disposal. In the most recent review of the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), protection of civilians was given top priority for the Mission. Since then, the Mission has made efforts to carry out that task more effectively, by seeking greater mobility and scope for reaction by its troops, deploying joint military-civilian protection units and establishing pilot rapid response projects. It has set up a high-level human rights protection team. If such measures prove satisfactory, they could be extended to other United Nations missions.

In Southern Sudan, we call on the United Nations Mission in the Sudan (UNMIS) to continue and expand its efforts to prevent ethnic confrontation and, when it arises, to minimize its consequences. I join our Japanese colleague in recalling that the responsibility to protect civilians lies first and foremost with Government authorities. A peacekeeping operation can act when it those authorities fail to do so or it can support their action, but that by no means diminishes the primary responsibility of the States that host such operations.

We welcome progress in the joint study commissioned by OCHA and the Department of Peacekeeping Operations on the protection of civilians in peacekeeping operations. We participated in financing it. We hope that the outcome will be presented to the Security Council and that it will be followed up in the more general context of our deliberations on peacekeeping missions.

Protection of civilians is a crucial element of the initiative we have launched jointly with the United Kingdom. Preliminary work is under way in the Working Group on Peacekeeping Operations under the chairmanship of Ambassador Takasu of Japan, to help us better understand the difficulties in implementing complex mandates. An initial progress report on the French-United Kingdom initiative should be issued in August.

Never have so many humanitarian personnel been deployed on the ground, yet never have there been so many constraints on their activities. States have the responsibility to ensure safe and unimpeded access for humanitarian personnel, international organizations and non-governmental organizations and for their supplies and equipment. We welcome the inclusion in the report of the Secretary-General of an annex on constraints on humanitarian access. We hope that in future reports that general annex will be supplemented with information on country-specific situations. We reiterate our request that such reports deal specifically and in a detailed manner with the question of protection of civilians.

We welcome the meeting of the Expert Group on the Protection of Civilians in Côte d'Ivoire, Afghanistan and the Sudan. There will soon be a discussion on the adequacy of the mandate of the African Union-United Nations Hybrid Operation in Darfur for the protection needs in Darfur. In order to make effective use of the aide-memoire (S/PRST/2009/1, annex) on the protection of civilians that we adopted in January, the Expert Group must monitor the growing needs of civilians on the ground on a more regular basis during the mandate. Its discussions must also be held sufficiently in advance of the negotiations drawing up the mandates, so that the conclusions can be integrated into them.

Lastly, women and children deserve special attention. The Security Council Expert Group on the Protection of Civilians could broach the issue of follow-up of Security Council resolutions 1325 (2000) and 1820 (2008) in order to ensure better implementation on the ground.

Effective protection of civilians clearly entails a resolute fight against the culture of impunity. The allegations of violations of the international humanitarian law must be the subject of an impartial and independent inquiry. Those investigations should involve all parties. The Gaza conflict showed that. In that region of the world, as elsewhere, all civilians, whether Palestinian, Israeli or other, must be protected.

States must try and punish those who violate international humanitarian law and human rights law. In the Republic of the Congo, for example, that means in-depth reform of the security, legal and prison systems. Failing that, international criminal law must be able to try the most serious crimes, and the Democratic Republic of the Congo's cooperation in that regard is exemplary.

France calls on all States to adhere to the Rome Statute and to cooperate with the International Criminal Court. Arms and submunitions do unacceptable damage to civilian populations. A draft law is being considered by the French Parliament to authorize the ratification of the convention adopted in Oslo. France is also at the forefront of the movement to attain a robust and binding arms trade treaty that will take full account of the requirements of international humanitarian law.

To conclude, I would like to underscore that, while the General Assembly prepares to debate the responsibility to protect, it is urgent to make that concept operational. It is an ambitious concept, and it is not solely a matter of the Security Council intervening in mid-crisis to stop the most atrocious crimes, which we are all, of course, determined to do. Above all, we must act in advance to avert those crimes and to strengthen the early-warning and monitoring systems in the risk areas. France will not spare its efforts to achieve a consensus on that point in the next few months.

Mr. Rogachev (Russian Federation) (*spoke in Russian*): We are grateful to the Secretary-General for the report (S/2009/277) and to Mr. Holmes for the updated information on the issue of the protection of civilians in armed conflict.

The Council has now been considering the topic for 10 years. In that time, we have managed to make considerable progress in the humanitarian sphere, but, unfortunately, as was noted in the report, the civilian population still suffers the majority of the casualties in conflicts, and that fact remains a burning issue for the international community. We are convinced that, to correct the situation, we need in particular to refrain from selective approaches to violations of international humanitarian law and to adhere to a strict observance of the lawful norms of protection.

We fully agree with the conclusions of the Secretary-General on the increased danger for the civilian population of the violation of the requirements of selective and proportionate use of force and on the need to condemn such breaches without exception. A sad example in that regard, was the death of some 150 civilians, most of whom were women and children, in Afghanistan as a result of air strikes by foreign forces on a populated area in May this year. Clearly, the United Nations Mission of Assistance in Afghanistan did not learn its lesson from the sad statistics on the death of more than 800 Afghan civilians in 2008. We support a careful investigation of such incidents and punishment of the perpetrators. We call on the interested parties to inform the Security Council of their efforts.

We emphasize the responsibility of all parties, including foreign forces, to ensure the security of civilians and the strict observance of the norms of international humanitarian law. Like the Secretary-General, we express our concern about the death of civilians owing to the actions of private military and security companies. Their share of the responsibility must be borne by the people who recruit them.

We believe that the contact of humanitarian organizations with non-State armed groups can be established only with the consent of the Government of the relevant States. Moreover, the practice of such contacts must be approached with great caution so as not to legitimize existing outlawed units. We believe that it is unacceptable to consider terrorist organizations, especially the Taliban and Al-Qaida, as some sort of armed opposition groups with which one could allegedly conduct a dialogue on humanitarian matters.

For additional clarification, we need a recommendation vesting investigation committees with the mandate to study specific situations. In our view, the status and competence of such committees would need to be specified.

We vigorously condemn attacks on humanitarian personnel. We support the need to ensure unimpeded humanitarian access to the affected population. At the same time, we emphasize that humanitarian work must

be conducted on the basis of the principles of impartiality, neutrality and humanity.

In that regard, we have noted that, in the annex to the report, we find the example of the situation in the Caucasus after the events of August 2008. We are grateful to the Secretary-General for the positive assessment of Russia's actions to provide humanitarian assistance in the region. We express our concern that the Georgian legislation on the so-called occupied territories is, in fact, hindering international humanitarian work in South Ossetia.

Early-warning and war- and conflict-prevention systems provide the basis for protecting civilian populations. In that regard, the international community must seek scrupulous observance by all parties of international law and the relevant decisions of the Security Council.

Mr. Mayr-Harting (Austria): At the outset, Mr. President, let me thank you for organizing this debate and Under-Secretary-General Sir John Holmes for his important briefing, as well as for the constant commitment of Office for the Coordination of Humanitarian Affairs in this area. Austria associates itself with the statement to be delivered by the representative of the Czech Republic on behalf of the European Union, as well as with the statement made by the representative of the Costa Rica on behalf of the Human Security Network.

Over the past 10 years, the Council has developed a comprehensive protection agenda, imposing clear obligations on parties to conflict and providing a toolbox for Security Council action. The issues addressed include compliance by parties to a conflict with their obligations under international humanitarian law, unhindered access for humanitarian organizations to people in need, accountability for serious violations against civilians, and the protection of civilians through peacekeeping missions. Austria is a fervent supporter of that protection agenda, and we stand ready to contribute to its implementation.

We welcome the Secretary General's report (S/2009/277) before us that identifies the major challenges that we are facing in the implementation of the protection of civilians agenda. The report provides an excellent basis for our further work. Let me also welcome the access annex attached to the present report. More specific reporting on access constraints will enable the Council to react in a more effective way.

Systematic attention needs to be paid to protection concerns in the daily deliberations of the Council. Therefore, Austria welcomes the establishment of the Security Council Expert Group on the Protection of Civilians, which has already demonstrated its usefulness in better addressing protection concerns. We hope that the Council will make full use of the potential of this innovative mechanism.

More consistent and comprehensive reporting on protection issues in the Secretary-General's regular reports would enable the Council to act more systematically regarding the protection of civilians, and particularly of women and children. The aide-memoire on the protection of civilians (S/PRST/2009/1, a offers a very good framework in this regard. Also, the challenges identified in the Secretary-General's report should receive particular attention.

The question of how to enhance the protection of civilians through peacekeeping operations has been identified as a major challenge. In recent years, several peacekeeping missions have been mandated by the Council to ensure the physical protection of the civilian population. Indeed, its mandate to provide protection to refugees and internally displaced persons was a strong factor in Austria's decision to contribute troops to the European Union Force in Chad and the United Nations Mission in the Central African Republic and Chad (MINURCAT).

Austria has also contributed to the independent study commissioned by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, which seeks to analyse the experiences so far in the implementation of such protection mandates in peace operations. We look forward to discussing the findings and recommendations of that study. It is our hope that they will contribute to the overall reform efforts of United Nations peacekeeping and to the further strengthening of the protection agenda of the Council. Our aim must be to have more effective and better resourced peacekeeping missions that are in a position to implement their protection mandates in a credible and consistent manner. Let me add that the recent mission of the Security Council to the Democratic Republic of the Congo gave us a very good opportunity to observe at close range the complexities that United Nations peacekeeping missions and troop-contributing countries may face in the implementation of their mandates.

That is why we applaud the recent positive developments in several peacekeeping operations, in particular the United Nations Organization Mission in the Democratic Republic of the Congo, such as the adoption of a comprehensive strategy to combat sexual violence and the decision to give clear priority to the protection of the civilian population. From our point of view, the task assigned to MINURCAT of strengthening national police capacities in Chad is another important positive development. We need to take the lessons from such experiences and see how they can be applied to other missions.

Ensuring better compliance of parties to conflict with international humanitarian law has already been rightly identified by many speakers as another area requiring priority attention. This is a particular problem with regard to many non-State actors. The Council needs to continue consistently to call for compliance by all parties to a conflict and to ensure investigations in cases of alleged violations and consequences for non-compliance. We welcome the experiences gained by the United Nations in negotiating with parties to a conflict, in particular non-State actors, in order to improve humanitarian access and compliance with international humanitarian law. Important efforts have also been undertaken to secure commitments from non-State actors to stop the recruitment of child soldiers and to end the use of landmines.

The Security Council should further contribute to strengthening the rule of law by supporting criminal justice mechanisms and other mechanisms for accountability and by affirming its opposition to impunity. Fighting impunity should be seen as part of a comprehensive approach to seeking sustainable peace, justice, truth and national reconciliation. More efforts are needed to strengthen national systems in order to build their capacities to ensure that perpetrators are brought to justice and that victims are granted an effective remedy.

A further issue that needs urgent attention from the Security Council is the vulnerability of civilians in relation to the abundance of weapons, mainly small arms and light weapons. Austria also welcomes the emphasis placed by the Secretary-General on the devastating humanitarian consequences of weapons with area effects, such as cluster munitions. The victims and survivors of these weapons need special attention and protection. The provisions on victim assistance in the new Convention on Cluster Munitions comprehensively address the immediate concerns of victims. In our view, this should become the new international standard for victim assistance. Austria calls on all States that have not yet done so to sign and ratify the Convention as soon as possible.

This year marks the tenth anniversary of the Security Council's first consideration of the protection of civilians in armed conflict. This anniversary provides us with a good opportunity to take stock and to reaffirm our commitment to protecting civilians from the devastating effects of armed conflict, as emphasized by the Secretary-General in his report.

In response to this call of the Secretary-General, Austria is therefore planning to organize a debate of the Council, on the occasion of the tenth anniversary, during its presidency of the Council in November. Austria's Foreign Minister, Mr. Michael Spindelegger, has a strong personal commitment in this area and therefore intends to preside over that important meeting personally. The aim of the debate should be to identify a set of concrete measures to address current challenges in the protection of civilians. We look forward to working with all interested delegations and the Secretariat towards this goal.

Mr. Dabbashi (Libyan Arab Jamahiriya) (*spoke in Arabic*): I thank you, Sir, for having organized this important debate. I also thank Mr. John Holmes for his objective briefing today.

In 2005, the World Summit endorsed the principle of the responsibility of protect civilians against the carnage of war, war crimes, ethnic cleansing and crimes against humanity. The Summit affirmed that the principal responsibility to protect their citizens lies with the States concerned, and that the international community is responsible for assisting them in that task, as is the Security Council through its resolutions, in particular resolution 1674 (2006). That affirmation has allowed us to identify measures to protect civilians in armed conflict. Such measures must, however, be strictly implemented.

Despite the progress that has been made in the codification of international humanitarian law and in the adoption of general principles on the protection of civilians in armed conflict, the international community can hardly be pleased with the inadequacy of that progress at the practical level. The lack of progress is a source of great concern and, in some case, of disappointment. A large gap has opened between our

words and our deeds. The number of casualties in armed conflict, including under foreign occupation, has not declined, and no one can doubt the suffering of the victims of armed conflict, famine, torture and similar types of prohibited behaviour, sexist and sexual violence, violence against children, the recruitment of children, human trafficking, the problem of refugees, internal displacement and lack of access to humanitarian assistance.

A living example of this is the Gaza Strip, where 1.5 million Palestinians are deprived of all the basic needs of life and of humanitarian assistance, including United Nations assistance. Gaza has become a large prison that one cannot get out of or into. The Israeli occupying authorities are not satisfied with that but have conducted military actions against Gaza for 22 consecutive days. The authorities used all means of destruction, including internationally prohibited weapons — white phosphorous most specifically. The Israeli authorities struck at everyone; they did not discriminate among civilians and military. The Israeli occupation deliberately targeted civilian installations — schools, hospitals, United Nations infrastructure, property. We all know that record, and United Nations officials have been clear in this regard.

More than 1,300 martyrs have been noted, more than a third of them children, and more than 5,300 people have been wounded. This is in addition to the almost total destruction of infrastructure in Gaza and of more than 24,000 buildings or living units.

In today's world, States and groups are murdering civilians in ways that appear deliberate or are adopting strategies that are probably going to be targeting civilians. We would recall that wars have been launched on behalf of counter-terrorism or in so-called self-defence, to the detriment of the rules and principles of international humanitarian law. The majority of casualties have been civilians. This applies to the Israeli aggression in Lebanon in 2006 and to the war in Iraq, as well as the invasion of Afghanistan.

We should not forget the victims of internal conflicts. For example, the majority of the population of Somalia have been victimized, become refugees or homeless, are hungry and without the basic necessities of life. In the eastern part of the Democratic Republic of the Congo, civilians are still suffering from daily violence and violation of their rights and from armed conflicts. The list is long. Everyone knows that list, so I do not need to repeat it.

The international community, represented mainly by this Council, not only has the right to take measures but has the responsibility to act if the parties directly concerned have not managed to protect civilians or have shown a lack of will to do so, or if it is proven that the parties in question are the aggressors. We do not understand how the Security Council would remain mute, would not go after the perpetrators of war crimes — the Israelis, especially for the crimes committed in Gaza, crimes that have been proven and reaffirmed in the summary of the investigation group established by the Secretary-General to look into the damage and losses to United Nations facilities in Gaza. It was published, but no measure was taken in this area, for a very simple reason: States that have the right of veto in the Council want the aggressor to be above the law and not to be subject to accountability.

We are awaiting the results of the investigation by the group that was established by the Human Rights Council to investigate the crimes committed in Gaza. We hope the international community will take measures on the basis of those results.

Thousands of Palestinians have been killed or wounded in Gaza without any mercy. Everyone has seen it. The international community has seen it. Internationally prohibited weapons were used against civilians. Justice demands that the perpetrators of those crimes be pursued by the International Criminal Court. The Security Council must understand that this is extremely important for its credibility.

This debate should be important and effective. Civilian protection is a problem that needs to be managed according to a comprehensive approach, and we must see the causes and effects. In this area we must reaffirm these matters.

First, we need to pay special attention to preventing armed conflicts and the expansion of armed conflict. This requires internationally coordinated efforts to deal with the hunger, poverty and injustice that victimize many populations throughout the world. We need to reactivate preventive diplomacy and come up with early warning mechanisms to prevent conflicts and the expansion of conflicts.

Secondly, we need to promote the protection of civilians as a priority of United Nations peacekeeping

operations. It falls under resolution 1674 (2006). These missions must have the means and resources that will enable them to carry out their missions.

Thirdly, the Security Council must be able to take measures in a balanced and transparent way, and not according to double standards. Everyone must comply with their accountability and punishment obligations. We must prevent violations of international humanitarian law.

Fourthly, we must prohibit the production of certain weapons whose victims are mostly civilians, especially cluster munitions. The use of cluster munitions has created many casualties, especially after military conflicts have ended.

Fifthly, we reaffirm the importance of implementing the proposals contained in paragraphs 37, 59 and 60 of the report of the Secretary-General. I reaffirm the importance of those paragraphs.

This Council has been clear, in its resolution 1674 (2006) regarding humanitarian access without any impediments for people who need such assistance. The Council needs strict measures for access to civilian populations and for staff access to those people. That, in turn, requires the opening of crossing points on the part of Israel to allow the free flow of individuals, goods and funds from and into Gaza. The opening of those passage points is necessary to take into consideration the needs of the blockaded population and is extremely important for rebuilding and for erasing the traces of the Israeli aggression.

We hope that these discussions will be successful and that we will take the necessary measures, because this question is extremely important for humans and human dignity.

Mr. Rugunda (Uganda): We welcome the report of the Secretary-General and the briefing by Mr. Holmes, the humanitarian coordinator.

We would like to thank you for organizing this debate, Mr. President. This report of the Secretary-General comes on the tenth anniversary of the first consideration by the Security Council of the protection of civilians in a thematic debate on this issue. It is deplorable that civilians still account for the vast majority of casualties and continue to be targeted and subjected to indiscriminate attacks and other violations. However, civilians continue to be victims of targeted attacks, forced displacement, sexual violence, forced conscription, indiscriminate killings, mutilations, hunger, disease and loss of livelihood.

Over the past 10 years, the Security Council has received several reports and adopted several presidential statements and resolutions with specific attention given to the protection of civilians. While such developments are commendable, they are of limited value if they do not translate into concrete improvements in the protection of civilians on the ground. We need to commit ourselves to practical action and a clear path from policy statements to actual implementation on the ground. We need to move to forward and develop a more systematic approach to protecting civilians and ensuring that there is sustainable support for civilians even after the conflict has ended.

The inclusion of protection activities in the mandates of peacekeeping missions, such as the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), was a significant action by the Security Council. Furthermore, over the years, the Security Council has taken important steps to improve protection for specific groups, such as women and children. The Security Council has also endeavoured to enhance protection for refugees and internally displaced persons by mandating peacekeeping missions to protect camps and other sites from armed attacks and to maintain their civilian and humanitarian character by supporting the disarmament and separation of combatants.

However, there is need for a common understanding among United Nations Member States about what peacekeeping missions should be mandated to do and what they should not do. Questions — such as the degree of robustness of modern United Nations peacekeeping, how protection-of-civilian mandates can best be implemented or what other peacebuilding tasks should be undertaken by United Nations peacekeepers and for how long — need to be answered. These peacekeeping activities require a strong consensus among contributors of troops, police and other personnel as to what extent the personnel who are required through a mandate should be guided.

The proliferation and fragmentation of non-State armed groups has contributed to the increasingly asymmetric nature of conflicts. We have seen this in a number of trouble spots, such as Somalia. This has a profoundly negative impact on civilians, as armed groups have sought to overcome their military inferiority

by using strategies that flagrantly violate international law, including attacks against civilians and the use of civilians to shield military objectives. Although these armed groups are bound by international humanitarian law and must refrain from committing acts that would impair the enjoyment of human rights, we know that for some groups, such as the Lord's Resistance Army, attacks and the commission of other violations against civilians are deliberate strategies intended to maximize casualties, intimidate the population and destabilize communities. All of that must stop.

As partners, it is critical that Member States support or at least not impede efforts by other parties, such as religious groups, traditional leaders and civil society organizations, to engage armed groups in order to seek improved protection of civilians. However, the reality is that many times this engagement proves futile. When such efforts fail, alternatives must be considered which should not be restricted to systematic condemnation of violations committed by armed groups and demands to comply, together with the application of targeted measures.

While the Security Council has indicated its intention to ensure that mandates include clear guidelines as to what missions can and should do to protect civilians, this clear direction from the Council should be informed by a realistic assessment of what is on the ground following consultations with the Secretariat, troop and police contributors, other stakeholders, regional organizations and, more especially, countries that are affected in the regions where there may be conflict. Currently, there is a disconnect between mandates, intentions, expectations, interpretations and real implementation capacity because of some of these omissions. However, this assessment should take place within a broader policy framework that includes clear direction as to possible courses of action, including in situations where the armed forces of the host State are themselves perpetrating violations against civilians, as well as regarding the tasks and capabilities needed for implementation. The question of States and State troops violating civilian rights is a common feature, as demonstrated in the recent field visit by the Security Council mission.

The report provides pertinent recommendations premised on the overriding need to enhance compliance and accountability in conflict, that is, compliance by all parties to conflict with the applicable law with the and demands and decisions of the Security Council. For our part, we want to underscore two of them which we consider critical in the protection of civilians and for achieving sustainable peace.

First, renewal of peacekeeping mandates should ensure that relevant protection concerns and possible responses are incorporated in the Council's actions. Secondly, the timely deployment in relevant situations of peacekeeping missions with robust protection mandates to ensure the protection of civilians on the ground should occur in collaboration with other key players, such as countries in the region and countries affected by the conflicts.

Finally, the protection of civilians does not stop with the end of hostilities. Ensuring that civilians receive needed humanitarian assistance, rehabilitation and reconstruction is key for sustainable peace, sustainable security and sustainable development.

Ms. DiCarlo (United States of America): Let me begin by thanking you, Mr. President, for organizing this meeting. I would also like to thank Under-Secretary-General Holmes for his briefing, as well as the Secretary-General for his comprehensive report (S/2009/277).

As other speakers have noted, this year marks the tenth anniversary of the first Security Council debate on the protection of civilians in armed conflict. In his report, the Secretary-General cites some encouraging actions that the Council has taken over that decade, but he also lays out the many challenges that still lie ahead if the international community is to take the steps necessary to protect civilians and translate the Council's actions into concrete improvements on the ground. The Secretary-General has made several recommendations that the Council should review carefully in order to be able to better promote the protection of civilians in armed conflict worldwide.

Civilian protection must be a core principle in all military operations. The United States understands that protecting civilians is a vital priority. In Afghanistan, while Taliban and Al-Qaida forces deliberately employ tactics designed to increase the number of innocent civilian deaths, the international coalition continues to fight those Taliban and Al-Qaida forces with as few civilian casualties as possible. We deeply regret every innocent civilian life that is lost. United States forces serving in Afghanistan operate under rules and orders designed to minimize civilian casualties. We will continue to review them to improve their effectiveness.

As Secretary of Defense Robert Gates said recently, we are making reduction of civilian casualties in Afghanistan a priority. The new commander of the International Security Assistance Force has made it clear that he will move quickly to implement that priority.

The United States believes that all nations must abide by international humanitarian law. We are determined to act to prevent violations of international humanitarian law and committed to working with the international community to defeat violence in a manner consistent with our values, legal obligations and ideals.

At the 2005 World Summit, Member States reached a mutual understanding that all nations have the responsibility to protect their civilian populations and that the international community has the responsibility to protect civilians when States are unwilling or unable to do so. The Security Council reaffirmed that commitment in resolution 1674 (2006). The Council has taken that principle into account, in part, in its actions on the Sudan and the Democratic Republic of the Congo.

Resolution 1674 (2006) also reaffirmed another principle, namely, that ending impunity for violations of international humanitarian law is essential if a society is to come to terms with its past, prevent future abuses, establish accountability and promote reconciliation. International and hybrid tribunals have been successful in prosecuting crimes that involve violations of international humanitarian law. But as the Secretary-General rightly points out in his report, to truly end impunity we must help to establish functioning national judicial systems so that criminals may be tried locally and senior leaders can be held responsible for atrocities committed in their own countries.

We must take special note of the most vulnerable populations in conflicts, including women and children. In the Democratic Republic of the Congo, sexual violence is widespread and sometimes used as a weapon of war. We must redouble our efforts to address the issue in all of its aspects, from prevention measures that include efforts to change attitudes about the status of women, to the treatment of victims and to better accountability for perpetrators. In that regard, we look forward to the Secretary-General's report on the implementation of resolution 1820 (2008), which deals with women, peace and security. The Council must ensure that the provisions of that resolution, especially those related to sexual violence, are implemented and that there are clearly understood consequences if individuals, including peacekeepers and relief workers, are themselves found guilty of such crimes.

The compulsory recruitment of children as soldiers is, sadly, still a reality. In armed groups such as the Lord's Resistance Army and in a number of countries, children continue to be exploited in that awful manner. Now that the fighting has ended in Sri Lanka, we are beginning to identify children who were forcibly recruited into the Liberation Tigers of Tamil Eelam.

We have witnessed too many instances in recent months in which Governments and armed groups have not allowed sufficient access to vulnerable populations. The Secretary-General's report makes 15 specific recommendations to address this issue. It includes an annex detailing constraints on humanitarian access. We are certain that the recommendations and annex will become a useful tool in helping to ensure civilian well-being.

In several instances, peacekeeping operations have been asked to take on more robust mandates that include the protection of civilians as a priority. But we must ensure that peacekeepers have properly defined and realistic mandates and the appropriate skills and resources to fulfil their missions.

The Secretary-General's report states that a protection-of-civilians mandate in peacekeeping missions remains largely undefined, as both a military task and as a mission-wide task. Given that conclusion, we look forward to the upcoming study by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations on how best to put into actual practice guidelines for protecting civilians. We hope that the study will also provide guidance that will help the members of the Security Council when we consider renewing the mandates of specific missions.

Finally, let me thank and commend the men and women of United Nations agencies and non-governmental organizations whose dedication to the cause of protecting civilians amid crisis and strife is critical to our ultimate success.

Mr. Kafando (Burkina Faso) (*spoke in French*): We thank you, Sir, for having convened this debate on the protection of civilians in armed conflict. Given that the Council is once again taking up this question in the

course of six months, the importance of the issue is evident. We also thank Under-Secretary-General John Holmes for his briefing on this matter.

Despite the recommendations emanating from the debate held in January 2009 on the protection of civilians in armed conflict, civilian populations unfortunately continue to be the victims who suffer the most in conflicts — sometimes due to deliberate acts and often through such heinous and barbaric acts as sexual violence, assassination, suicide attacks, massacres of entire populations and the use of sophisticated weapons. All of that takes place in violation of international humanitarian law, Security Council resolutions and other relevant international legal instruments, as well as without regard for the principle of the responsibility to protect, which was adopted by the United Nations in 2005.

Parties to conflict should therefore be reminded of their obligations to respect the provisions of the Geneva Conventions and their two Additional Protocols, especially that which establishes a clear distinction between civilians and combatants. As parties to armed conflict, non-State actors are under the same obligations to protect civilians. It is therefore crucial that such groups be fully aware of their responsibility.

In addition, we agree with the Secretary-General that it is important to maintain an ongoing dialogue with such groups in an effort to educate them as to existing legal norms, while avoiding the perception that doing so legitimizes their existence. That approach has already made it possible to convince some armed groups to release child soldiers.

Because the protection of civilians is a multifaceted undertaking, the scope of peacekeeping operations has been expanded to take into account concerns associated with fully protecting civilians. Nevertheless, in order to increase efficiency and eliminate persisting ambiguities in peacekeeping operations, it is important that the Security Council set out realistic and robust mandates that include clear rules of engagement. That task is both a challenge to and a responsibility of the Security Council and troop-contributing countries. In that regard, we await with great interest the completion of the joint independent study on the implementation of the mandate to protect civilians, which is being carried out by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations with the purpose of making a contribution to better addressing the issue of protecting civilians in armed conflict.

Protecting civilians also means ensuring that there are no obstacles to humanitarian access, as so aptly noted in the annex to the Secretary-General's report (S/2009/277). We condemn all such restrictions.

The protection of civilians in armed conflict is a collective and shared responsibility that requires all concerned parties to display true political will and firm commitment. However, States bear the primary responsibility for this and must take all measures necessary to create an enabling security environment and to meet the fundamental needs of civilians, displaced persons and refugees. This involves strict respect for the principles of international humanitarian law, in particular by facilitating the delivery of humanitarian assistance and ensuring respect for the humanitarian nature of camps for refugees and internally displaced persons. The protection of humanitarian personnel must therefore also be fully ensured as they struggle side by side with populations in distress, sometimes even giving their own lives.

To strengthen the protection of civilians, we believe that creation of national complaint mechanisms, together with the total independence of the judicial systems to which victims have access, could also contribute to efforts to combat impunity, which is unfortunately still thriving. Subregional, regional and international organizations must also shoulder their responsibilities in this area, while fully respecting States' sovereignty and territorial integrity.

With regard to the Security Council, as the guarantor of international peace and security, it must contribute to strengthening the rule of law and ensure the implementation of existing judicial mechanisms, such as the International Criminal Court, with complete impartiality and in accordance with the fundamental principles of the United Nations Charter and human rights.

As weapons are the root cause of the tragedies, atrocities and horrifying events witnessed in armed conflicts, we encourage all States to join the efforts under way to draw up and adopt an arms trade treaty.

Finally, the Council is duty-bound to ensure the implementation of the various arms embargos stipulated in the context of the Council's own sanctions.

Mr. Parham (United Kingdom): Allow me to begin by thanking the Under-Secretary-General for his briefing, the Secretary-General for his report (S/2009/277) and you, Mr. President, for convening this meeting. I would also like to confirm our support for the statement that will be made by the representative of the Czech Republic on behalf of the European Union.

The tenth anniversary of the Council's first decisions on protecting civilians is an important moment to take stock and to identify the current obstacles to work on this issue. We welcome the fact that humanitarian access is given particular profile in the report's annex, as well as the quality of the evidence presented. We hope that the report's five core challenges will provide a coherent framework for the consistent inclusion of information on protection issues in the Secretary-General's reports on country situations.

We share the Secretary-General's view that there is still insufficient accounting and redress for violations of international humanitarian law. We believe that this Council should be ready to address flagrant and widespread violations committed against civilians, even when they take place in situations of internal armed conflict.

Allow me briefly to mention a few of our concerns in the context of specific country situations.

In Burma, civilians are caught up in the conflict between the Government and ethnic groups. This was most recently highlighted by the flight of thousands of Karen people to Thailand, following the violence along the border. The Burmese Government must fulfil its responsibilities under international humanitarian and human rights law and begin an inclusive political dialogue that can lead to national reconciliation in its country.

In Sri Lanka, the priority now is to ensure that the immediate needs of internally displaced persons in the camps are met. While we recognize the steps that have already been taken by the Government, there must be unhindered access for the United Nations and international humanitarian aid agencies. Further efforts are also needed to ensure steady progress in the political process towards national reconciliation. We welcome the commitments entered into by the Government of Sri Lanka to address a number of post-conflict issues, including the need for an accountability process to address violations of international humanitarian law and the grievances associated with them. We expect these commitments to be fulfilled.

The Under-Secretary-General and some delegations have mentioned the situation in Afghanistan. Let me be clear that we deeply regret incidents in which civilians are killed as a result of actions by international forces. We have strict procedures and training regimes, frequently updated in the light of experience, intended both to minimize the risk of civilian casualties and to investigate any that do nevertheless occur. We intend to remain at the forefront of United Nations discussion and activity to ensure that the protection of civilians in Afghanistan remains high on the political agenda.

As we noted in the debate on international humanitarian law held in January (see S/PV.6066), the Security Council must find new and better tools to follow up on our decisions and ensure that international humanitarian law is fully implemented and enforced in specific conflicts. The report rightly underlines the importance of supporting accountability measures at the national level. But we must also consider international accountability mechanisms to combat impunity, including referral to the International Criminal Court where appropriate. United Nations engagement with non-State actors presents an opportunity to embed an understanding of obligations under international humanitarian law without granting recognition or status to those parties. This is an opportunity that is too often missed.

We look forward to seeing the results of the independent study which has been commissioned by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs on the implementation of protection mandates. It will be important for this Council to consider that report carefully as part of continued consultations between now and November. We sincerely hope that the General Assembly will consider that report too. We also support the Under-Secretary-General's suggestion of an Arria formula meeting focused on the experience of engaging armed groups. These meetings can be very valuable, as was, we believe, the Arria formula meeting we held earlier this week on the harrowing and pressing subject of sexual violence.

Deployed military contingents are just one part of a larger equation when it comes to peacekeeping missions fulfilling their protection mandates. To date, we have relied on the flexibility of military actors, but

no military in the world has a comprehensive doctrine on how to undertake the protection of civilians. Nevertheless, the outstanding protection work that United Nations peacekeeping personnel are creatively doing in the field provides many examples of good practice. Where individual missions have protection strategies and plans of action, we would like to see more detail about them in country reports.

We should also make use of existing mechanisms to deal with these substantial issues. Like Ambassador Mayr-Harting, we are encouraged by the work of the informal Security Council Expert Group on the Protection of Civilians thus far. We have some ideas on how to enhance the format, for example by improving the timeliness of the Group's inputs to Council deliberations and the format and quality of documentation for the Group.

An inherent part of the initiative on peacekeeping, which we are pursuing with our French colleagues, is the improvement of the information upon which the Council bases its decisions on mission mandates. We acknowledge that there has been at least a perceived disconnect between protection language in mandates and what is realistically achievable in the field. We must work harder to achieve consensus on the extent and feasibility of protection activities.

Finally, we would like to see the Council show genuine readiness to engage at the prevention stage of the conflict cycle, rather than at the resolution stage. As our Chinese colleague, Ambassador Liu Zhenmin, said earlier, it is important to tackle these issues upstream. This will require the Council to be more receptive to information, more willing to become seized of threatening situations and more ready to take appropriate early action. The United Kingdom stands ready to play its part in this.

The President: I shall now make a statement in my national capacity.

I too thank Under-Secretary-General John Holmes for his comprehensive briefing.

Today a great number of casualties in armed conflict continue to be civilians, and the numbers are constantly increasing. We condemn in the strongest possible terms all deliberate acts against civilians and deaths resulting from the indiscriminate and excessive use of force. The challenge for all of us is to stop such killings and reverse the alarming trend. On this issue, the credibility of the Security Council is also at stake.

Council members will all recall that our debate in January (see S/PV.6066) was held in the shadow of the tragic developments in Gaza. Indeed, what happened in Gaza was a stark reminder of the vulnerability of civilians in times of armed conflict. It also proved once again the need for all parties to respect their obligations under international humanitarian law. That said, Gaza has not been the only case where civilians have faced danger during armed conflict. Indeed, the issue of the protection of civilians has been particularly high on the agenda of the Council during recent years, and especially since the beginning of this year, for we have been witnessing extremely dire challenges in many parts of the world, in terms of providing a safe and secure environment for civilians.

It was in that frame of mind that my delegation studied carefully the recent report of the Secretary-General (S/2009/277), which gives a comprehensive account of the latest situation in various theatres and the difficulties encountered in protecting civilians. The report clearly demonstrates the magnitude of the task incumbent upon all of us to ensure the effective protection of civilians in times of conflict. This should be a collective and multidimensional effort, with the primary obligation and responsibility resting first and foremost with States. Yet the entire international community, including non-governmental organizations and international organizations, has a responsibility to protect civilians.

Almost everything has already been said this morning in terms of what can and what should be done. The Secretary-General's report also offers some useful recommendations, so I will not elaborate any further on those points. However, allow me to highlight one issue of a very sensitive nature that bears the risk of undermining or weakening our efforts if it is not handled carefully. It related to non-State armed groups. Given the inevitable ambiguity of that term and the many different types of entities that fall under the category, we feel that one should be extremely careful in dealing with such groups. This is particularly important as many terrorist organizations attempt to abuse the term and what it entails in their quest to gain international attention and support.

Combating terrorism is both the right and the obligation of every State. Nothing should be allowed to

weaken our resolve to fight that scourge. It is the activities of the terrorist organizations themselves that put the lives of civilians in danger, so international organizations, and non-governmental organizations in particular, should be vigilant in conducting their work in conflict areas and not allow themselves to be exploited by such groups and organizations.

Before concluding, I would also like to stress that, in effect, it is through strengthening the rule of law, human rights, democracy and governance that we can secure the long-term and lasting protection of civilians.

We should also ensure that the perpetrators of violence against civilians are held fully accountable for their actions. They should know that they can run, but they cannot escape, and that they will face justice eventually. The international community has the duty to do more in that direction, including through capacity-building and technical assistance.

I now resume my functions as President of the Security Council.

Before we proceed, may I kindly remind all speakers to limit their statements to no more than five minutes in order to enable the Council to conclude its open debate today.

I now give the floor to the representative of Brazil.

Ms. Dunlop (Brazil): First of all, allow me to congratulate you, Mr. President, on the organization of this meeting of the Security Council on the protection of civilians in armed conflict. As we approach the tenth anniversary of the adoption of resolution 1265 (1999), it is appropriate and timely to commend the Security Council for its sustained efforts to ensure the protection of civilians in armed conflict. Through that resolution and others that followed, as well as through the relevant presidential statements, the Council has built and continues to build a solid normative body. The Secretariat is also to be commended for the work it has done, of which the latest report of the Secretary-General (S/20009/277) is a fine example. I would like also to thank Mr. Holmes for his contribution to the debate.

The document presented by the Secretariat reiterates a sad truth that we all know too well: civilian casualties in armed conflict, which still far outnumber those of combatants, continue to threaten or breach international peace and security in some corners of the planet. In the face of such threats or breaches, the Council cannot stand silent or hesitate. Rather, it should make appropriate and non-selective use of the instruments provided for in the Charter to put an end to gross violations of international humanitarian law.

Among such instruments, those set forth in Chapter VI should be given careful consideration as a means to stimulate and support the peaceful settlement of disputes. When Chapter VII action proves necessary and sanctions emerge as a potentially effective tool, as proposed in the report, they should be specific and targeted, so as not to impose further suffering on the affected populations. In those cases where a peacekeeping mission is established, it might be necessary and even morally imperative to give it a clear mandate to help protect civilians.

While my delegation fully recognizes the increasing importance of that task in peacekeeping operations, we concur with the view expressed by the Secretary-General that it is not exclusively military in nature. Rather, it is and must be multifaceted. To that end, we favour a comprehensive approach that seeks to help address, alongside security concerns, the underlying political, economic and even cultural factors of armed conflict and violence against civilians. Such an approach lies at the heart of some success stories in peacekeeping, such as the United Nations Stabilization Mission in Haiti. Another key element of success is the need for close cooperation with national authorities, given the primary responsibility of the host Government to protect its own population.

A particularly challenging aspect of the issue before us today is compliance with international humanitarian law by non-State actors, who must not forget or ignore the fact that they are bound by such law. My delegation recognizes the benefits of dialogue with such actors as a way of obtaining guarantees regarding the security of humanitarian personnel and access to populations in need of assistance. It is essential that the humanitarian purposes of such a dialogue be entirely clear to all participants and that the principles of independence, neutrality, impartiality and humanity, as set out in General Assembly resolutions 46/182 and 58/114, be fully observed at all times.

Observing such principles is crucial in addressing constraints faced by humanitarian actors in ensuring safe, timely and effective access to those in need.

Difficulties can also be overcome or mitigated by enhanced cooperation and coordination of humanitarian actors with States, which have the primary responsibility for the well-being of their populations. As their citizens are the main beneficiaries of domestic and foreign humanitarian assistance, consistent with such principles, States can only gain from such enhanced cooperation and coordination. By strictly observing those General Assembly resolutions, humanitarian actors can also help to prevent attacks against their personnel, assets and supplies, as such observance counters misperceptions that, in some cases, lead to such attacks. States can also contribute to the safety of humanitarian actors by educating their agents on the purposes and benefits of humanitarian assistance consistent with those four principles, as well as on the need to ensure the safety and security of all those involved in delivering such assistance.

It is fitting to recall here the decision taken by the General Assembly last year, in its resolution 63/139, to establish World Humanitarian Day on 19 August as a tribute to those who have lost their lives in the promotion of the humanitarian cause. We hope that this will help to raise awareness of the importance of humanitarian activities worldwide and will thus have a positive impact on the safety and security of United Nations and associated personnel.

My delegation expects continued engagement by the Security Council in efforts to promote the protection of civilians in armed conflict, within its powers and functions under the Charter. This endeavour must be as participatory and transparent as possible, since the involvement of all interested Member States cannot but contribute to fostering the support of States for the Council's work on this crucial item on the international agenda.

The President: I now give the floor to the representative of Qatar.

Mr. Al-Nasser (Qatar) (*spoke in Arabic*): The State of Qatar attaches utmost importance to the question of the protection of civilians in armed conflict, and I thank you, Sir, for the opportunity to participate in today's important debate. I wish also to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his important briefing.

Today's open debate takes place 10 years after the Security Council's first discussion on the protection of civilians in armed conflict. That important discussion led to the Council's adoption of many resolutions calling for improved conditions for civilians affected by war and its attendant humiliations. In spite of the efforts that have been made — such as the inclusion of protection in the mandates of peacekeeping operations, the establishment of a Council Expert Group on the Protection of Civilians and plans to address violence of all kinds, including killing, maiming and sexual violence — any such developments remain of limited value, as the Secretary-General notes in his report (S/2009/277), if they do not translate the provisions of Council resolutions into concrete fact.

In that regard, we recall the report's observation that the protection of civilians is not a purely humanitarian task; rather, it is a multifaceted task. The first and most important facet is ensuring compliance with laws on the protection of civilians in armed conflict, including in situations of foreign occupation, in accordance with international law and, in particular, with international humanitarian law and international human rights law. It also involves combating impunity and ensuring the protection of civilians and their human rights without discrimination or selectivity of any kind.

The State of Qatar condemns the targeting, killing or maiming of civilians in armed conflict or in situations of foreign occupation. We condemn all acts of reprisal against civilians or against civilian targets such as schools and hospitals. We note the observations in the report of the Secretary-General regarding the core challenges to improving the protection of civilians in armed conflict, including in situations of foreign occupation, and we endorse the report's reference to the fact that those challenges are fundamentally reflected in the lack of full compliance with international legal commitments on the protection of civilians.

In our region, more than 1,000 Palestinian civilians lost their lives in January's Israeli aggression against the Gaza Strip. That was a result of the consistent targeting of infrastructure, which caused enormous damage to homes, hospitals and schools, including schools operated by the United Nations, in clear breach of international humanitarian law and international human rights law, specifically the Geneva Conventions, in particular the Fourth Convention, which includes provisions on the protection of civilians under foreign occupation.

Another important challenge is to avoid subjecting civilians to the consequences of hostilities, as is currently the case in Afghanistan, and to prevent the killing of civilians by rebel elements, as is the case in the Sudan. Millions of civilians in zones of armed conflict and foreign occupation are suffering, in particular women, children, the disabled and the elderly. Their lives and prospects are under threat both during and after crisis situations, because there are constraints on the needed assistance. Here, we take note of the annex to the report of the Secretary-General, on constraints on humanitarian access. We stress the importance of continuing to compile information on the humanitarian crisis facing civilians under foreign occupation and in armed conflict situations.

Under international humanitarian law and international human rights law, especially the Geneva Conventions and in particular the Fourth Convention, which contains provisions related to the protection of civilians under foreign occupation, primary responsibility lies with the parties to the conflict and with the occupier to protect those under its authority and to provide for their basic needs.

The State of Qatar believes that hindering the provision of humanitarian assistance constitutes collective punishment of an entire innocent people. This is a phenomenon that is growing in breadth and in severity. The Palestinian people in the Gaza Strip are suffering because of unjustifiable constraints on and measures against the provision of humanitarian assistance. Following the Israeli aggression against the Strip, Israel, the occupying Power, has continued to refuse entry to the Strip of all goods, including necessary building supplies. The border crossings remain closed.

Education is a basic human right which is jeopardized in zones of conflict or foreign occupation. Educational infrastructure has been paralysed in the Gaza Strip since last January. The situation has prompted Her Highness Sheikha Mozah Bint Nasser al Missned, UNESCO Special Envoy for Basic and Higher Education, to call upon the Security Council to provide the necessary protection for education in the Gaza Strip and to investigate the crimes committed there, including the targeting of a United Nations school.

The occupying Power's obstruction of humanitarian operations has disrupted education in the Strip, and we call upon the Security Council to mandate its various bodies to attach great importance to the right to education in zones of armed conflict and foreign occupation, and to focus on this issue in its future deliberations.

Ensuring accountability for violations of international humanitarian law, including the Geneva Conventions and the Fourth Geneva Convention in particular, which includes provisions on the protection of civilians under foreign occupation, international human rights law is the ideal vehicle for enhancing the protection of civilians on the ground. The problem lies in the consistent failure to implement international legal mechanisms in a fair and equitable manner and in the adoption of double standards and attitudes with respect to such situations. That in turn leads to a lack of accountability for parties that breach that law and commit such crimes, thus allowing them more latitude to pursue their violations at leisure.

Impunity for serious violations of international law has cast a heavy shadow over every initiative that held out hope for peace and stability. Repeated impunity frustrates victims, fuels their desire for revenge and allows the perpetrators to feel that they are above the law. It ultimately encourages the offender to commit further violations.

The time has come to translate our commitments into concrete action on the ground. We would like to stress the importance of the Security Council's acting to implement the recommendations of the United Nations fact-finding panel in its investigation of a series of Israeli attacks on United Nations facilities and staff in the Gaza Strip, including schools run by the United Nations Relief and Works Agency for Palestine Refugees in the Near East. We also stress the urgent need to examine one of the relevant recommendations that a thorough and unbiased investigation be made of all violations of international humanitarian law in the Gaza Strip.

We reiterate our call on the Security Council to shoulder its responsibilities and meet its obligations to protect civilians in armed conflict, and to ensure respect for the instruments of international law and the Security Council's own resolutions, which provide the legal basis for the protection of civilians in armed conflict, including under foreign occupation. The rule of law is a fundamental issue in armed conflict. We need to recognize that respect for international law

constitutes the true beginnings of world peace and stability.

The President: Before giving the floor to the Permanent Representative of the Czech Republic, I intend, with the Council's permission, to continue until 1.15 p.m. because I still have 30 speakers on my list.

I now give the floor to the representative of the Czech Republic.

Mr. Palouš (Czech Republic): I have the honour to speak on behalf of the European Union. The candidate countries Croatia and the former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina and Montenegro, the European Free Trade Association country Iceland, member of the European economic area, as well as Armenia, Georgia, the Republic of Moldova and Ukraine align themselves with this statement.

Let me thank the presidency of the Security Council, Turkey, for organizing this debate and commend Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, for his informative briefing on the issue. The European Union thanks the Secretary-General for submitting the current report (S/2009/277) and supports the recommendations therein.

First, the European Union remains of the view that the protection of civilians is a key aspect of the United Nations peacekeeping and peacebuilding efforts that has to be comprehensively, systematically and consistently incorporated in all Security Council mandates. At least eight of the current operations have an explicit mandate to protect civilians, and we welcome that development. We look forward to considering the results of a study of the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations on how to make the activities of the United Nations missions more effective in that regard.

The European Union expresses its firm support for the work of the Security Council Expert Group on the Protection of Civilians. The Expert Group is an innovative tool for deeper consideration of protection issues and its potential should be fully used. In turn, the European Union encourages the Council to give further practical relevance to its own aide-memoire (S/PRST/2009/1, annex) on the protection of civilians. It should be translated into concrete improvements in the protection of civilians on the ground.

In general, the European Union also emphasizes the need for close coordination and meaningful positive synergies of policies on the protection of civilians within the framework of United Nations activities in other areas, such as human rights, gender equality, children in armed conflict, the rule of law, small arms and light weapons, disarmament, demobilization and reintegration, and security sector reform.

The European Union emphasizes the need to operationalize the concept of the responsibility to protect. All heads of State and Government endorsed the principle of responsibility to protect in 2005, and the European Union continues to call for the full implementation of that principle by the Security Council, as well as by the General Assembly.

Regretfully, civilians continue to be gravely affected by conflicts. The Security Council must react to the changing nature of threats to international peace and security. The European Union calls on all parties to conflicts to ensure the protection of civilians at all times and to comply with international humanitarian and human rights law. Thus, we strongly encourage the Governments concerned to engage in full protection of internally displaced persons and their return and in the protection of children affected by the armed conflict. International humanitarian law should be fully respected. All violations of human rights and international humanitarian law should be investigated and those responsible should be held accountable.

The European Union also supports the work of the Special Representative of the Secretary-General for Children and Armed Conflict and the Security Council Working Group on that subject. We urge the Working Group to redouble its efforts in transforming the normative work of relevant Council resolutions into results at the field level.

Women's participation in the peace processes is fundamental to the protection and promotion of women's human rights in conflict-affected situations. The European Union strongly supports enhancement of the role of women in protection issues, also in accordance with Security Council resolutions 1325 (2000) and 1820 (2008), which reconfirm that guaranteeing the protection of women and girls in armed conflict through effective institutional

arrangements contributes significantly to promoting and to maintaining international peace and security. The European Union is looking forward to the upcoming report of the Secretary-General on the implementation of Security Council resolution 1820 (2008).

In many conflict situations, impunity prevails due to the lack of political will. Therefore, the Security Council, once again, should make clear that any assault on the civilian population, including genocide, war crimes, ethnic cleansing and crimes against humanity, is completely unacceptable. In that context, we would also like to stress the importance of the full implementation of Security Council resolution 1820 (2008). The European Union encourages all States to provide their full support to the International Criminal Court by acceding to the Rome Statute and cooperating with the Court.

The European Union continues to support efforts by the United Nations and its agencies, as well as by civil society and non-governmental organizations, to alleviate the suffering of civilians on the ground and to work towards achieving durable stability. Safe, unhindered and timely access to civilian populations in conflict is a fundamental condition for the fulfilment of mandates and missions of humanitarian actors. We encourage humanitarian personnel on the ground to follow the principles of humanity, impartiality, neutrality and independence, and we call on the recipient countries to ensure their safety and security.

The European Union is dedicated to systematic consideration of the issues of human rights, gender and children affected by armed conflict in the planning and conduct of its European Security and Defence Policy missions and operations, including their mandates and staffing. The European Union attaches particular importance to enhanced European Union-United Nations cooperation in the area of the protection of civilians in those theatres of operation where the United Nations and the European Union have missions deployed side by side. The most prominent example of such deployment is in the Democratic Republic of the Congo, where the European Union has two missions deployed: the EU security sector reform mission in the Democratic Republic of the Congo and the EU police mission in that country.

Furthermore, the European Union is determined to assist in implementing resolutions 1325 (2000) and 1820 (2008) with the aim of achieving more concrete progress on gender equality issues and thus adding to the credibility and effectiveness of those missions and operations on the ground.

The European Union joins the Secretary-General's call on the international community to seize the opportunity of this tenth anniversary of the protection of civilians to reinvigorate its commitment to this agenda and, above all, to make the protection of civilians more systematically and consistently a reality for all those caught in conflicts. Let me reassure the Council of the European Union's continued commitment to the issue of the protection of civilians.

The President: I now give the floor to the representative of New Zealand.

Ms. Graham (New Zealand): I thank you for convening this debate, Mr. President. We welcome the Secretary-General's latest report (S/2009/277), which provides a thorough assessment of the first 10 years of Council involvement in the protection of civilians and highlights the challenges that Member States must still address to ensure better protection for them. We commend the Council for its ongoing consideration of this issue and we especially thank Under-Secretary-General Holmes for his comprehensive briefing this morning.

The immediacy of the need to protect civilians is evident from the new and ongoing conflicts around the world. Sadly, we continue to see civilians suffering seriously and disproportionately, even in the short time since the last debate on this subject in January.

The 26-year conflict in Sri Lanka has cost the lives of many of its people and led to a serious humanitarian crisis. New Zealand joined with others in condemning Liberation Tigers of Tamil Eelam attacks on the civilian population, its forced recruitment of soldiers, including, reportedly, children, and its use of civilians as human shields. At the same time, New Zealand was very concerned by reports of Sri Lankan Government forces using heavy artillery in areas with a dense civilian population.

While the fighting is now over, we remain deeply concerned about the plight and safety of internally displaced persons (IDPs) who fled that conflict. We join other countries in urging the Government of Sri Lanka to improve access to the IDP camps for humanitarian agencies in order to ensure that all those

affected by the conflict receive the assistance that they so urgently need.

The Secretary-General's report illustrates that there is still much work to be done to ensure the effective protection of civilians in armed conflict. In this regard, there are three thematic areas which New Zealand would like to cover.

First, with respect to peacekeeping mandates, New Zealand strongly supports the inclusion of civilian protection activities in the mandates of United Nations peacekeeping operations. This approach is an important and evolving practice of recent years and one means for the United Nations to help address the serious problem of civilian casualties in armed conflict. Paragraph 16 of resolution 1674 (2006) was an important step in this regard, as were paragraphs 125 through 128 of the report of the Special Committee on Peacekeeping Operations, the latter of which reflected important agreement by Member States relating to the protection of civilians.

However, improvements need to be made in the clarity and specificity of these mandates, in order that all parties — the Council, peacekeepers and civilians — may have a common understanding and shared expectations. Little progress has been made towards developing the necessary capacities and doctrines that need to accompany protection of civilians mandates in order for them to be effectively implemented. Like others who have spoken, we encourage the United Nations Department of Peacekeeping Operations (DPKO) to address this as a matter of priority and we look forward to the findings of the independent study commissioned by the Office for the Coordination of Humanitarian Affairs and DPKO.

Secondly, with regard to the deliberate targeting of humanitarian workers, the increasing incidence of intentional attacks on humanitarian workers in conflict zones is deeply disturbing. In addition to threatening the safety of these unarmed civilian workers, the attacks constrain the effective delivery of humanitarian assistance, including that offered by the United Nations. New Zealand welcomes the Secretary-General's strong recommendations in this regard, and we look to the Security Council to assist in their implementation.

New Zealand urges parties to armed conflict to respect international humanitarian law, in particular the duty to respect and protect humanitarian assistance personnel. A related concern for New Zealand is the rising frequency of attacks on journalists and members of the media in conflict areas. Journalists have an important role to play in the monitoring of conflicts and in ending impunity for serious crimes.

Thirdly, it is imperative for the protection of civilians that impunity be ended for those who attack civilians and humanitarian workers. Impunity allows those responsible not to be held to account for their actions, denies justice to the victims of these actions and their families, and sends the message that the international community is not prepared to take action even when serious crimes occur.

New Zealand supports the International Criminal Court, which has an important role to play in bringing the perpetrators of war crimes, crimes against humanity and genocide to justice. We have worked closely with others to encourage widespread ratification and implementation of the Rome Statute. It is in the interests of all States that there be accountability. We urge all countries that have not yet done so to become party to the Rome Statute and to take steps within their own jurisdictions to combat impunity.

In conclusion, New Zealand recognizes the critical importance of the protection of civilians agenda, and we welcome the Secretary-General's recommendations in his latest report. New Zealand stands ready to work with other Member States, the Council and the Secretariat to ensure that progress in protection of civilians becomes a reality for those on the ground.

The President: I give the floor to the representative of Israel.

Mr. Carmon (Israel): Mr. President, I would first like to thank you for convening this important meeting and for your leadership of the Council this month. On a personal note and since this is Israel's last intervention in the Council for the month of June, I wish to congratulate you personally on your many years of remarkable diplomatic service to your country and to the international community.

This year marks a decade since the issue of the protection of civilians in armed conflict has been on the Council's agenda. During this period, there has been progress in some vital areas, such as child recruitment, and we have also seen an increased awareness of the horrific consequences of sexual violence used as a tool in conflict. In spite of these

advances, it is clear that other areas of concern stubbornly resist our efforts to make improvements. In response to these continuing challenges, and using the spotlight of this anniversary, it is now an appropriate time for stocktaking.

In this regard, we look forward to the forthcoming study jointly commissioned by the Office for the Coordination of Humanitarian Affairs and the United Nations Department of Peacekeeping Operations on the protection of civilians mandates of peacekeeping missions. The Secretariat and Member States should carefully consider its findings and conduct a meaningful review of strategies found to have fallen short of expectations. More resources might also be devoted to replicating, where appropriate, elements of protection mandates that have proven successful.

In its latest report, the Special Committee on Peacekeeping Operations recognizes the important role of the Secretariat in promoting protection activities in peacekeeping, particularly relating to children and gender. Israel supports the progressive enhancement of mission activities in these areas, including through the strategic deployment of child protection advisers. We also endorse the addition of grave sexual violence to the triggers for the listing of parties on the Secretary-General's annexes related to children and armed conflict.

I would like to turn to the recent report of the Secretary-General on the protection of civilians (S/2009/277), a document that contains a number of deficiencies and inaccuracies that must be addressed here. We were dismayed to find that the report does not acknowledge the Hamas terrorist organization's actions against civilians of my country. It does not note that for eight consecutive years those terrorists subjected the southern part of my country to a ceaseless barrage of rockets and mortars fired from Gaza into Israel, terrorizing, maiming and killing Israeli civilians.

Israel's civilians — men, women and children — are not accidental casualties. Hamas, in the old terrorist tradition, deliberately targets Israeli civilians and has proudly acknowledged that strategy on a number of occasions. Those actions, which provoked last winter's military campaign, should have warranted at least a brief mention in the report, but they did not.

During those months, the majority of the international community acknowledged the perilous humanitarian situation of the citizens of southern Israel. The very least OCHA should do in a report entitled "The protection of civilians in armed conflict" is to acknowledge that humanitarian problem. If the authors of the report do not consider the daily bombardment of Israeli civilians an issue related to the protection of civilians, then what is? We demand a clarification of that omission.

Moreover, the report ambitiously verges on drawing judicial conclusions concerning international humanitarian law, although it is unclear on what mandate, expertise and procedure those are based. The report makes no mention of Israel's extraordinary efforts to avoid civilian casualties or of its implementation of the Israeli Defense Forces (IDF) own operational standard procedures in the aftermath of any military operation. As part of its normal practice, the IDF has conducted five in-depth investigations concerning the recent conflict. These reflect Israel's democratic oversight, which ensures rigorous attention to Israel's laws, as well as those of the international community.

Not only does the report omit any mention of Hamas's terrorism perpetrated against Israeli civilians, but its weak treatment of Hamas's terrorism practised against Gaza's civilians is inexplicable. It is troubling that, in the face of overwhelming evidence, the report finds only that concerns exist as to whether Hamas used civilians as human shields. In that regard, it is worth noting that the most recent report on children and armed conflict (S/2009/158) found that Palestinian families were too terrified of Hamas retribution to speak publicly against the group's use of Gaza's children. It is regrettable that the current report on the protection of civilians does not see fit to mention that fact. Moreover, while clear evidence exists of Hamas's cruel misuse of civilian infrastructure, contrary to the most basic humanitarian values, the report shies away from addressing that practice in an appropriate manner.

The report is fundamentally flawed. It is flawed for its omissions, it is flawed for its errors and it is flawed for its selective use of language. With those and other deficiencies, the report does not help civilian protection, which the report acknowledges is increasingly challenged by asymmetric conflicts involving States with obligations, on the one hand, and non-State armed groups, on the other. In spite of that recognition, the report fails to seriously address the actions of non-State parties who have made a mockery of the concept of protection of civilians.

Many States around this table, as well as in the wider membership of the Organization, know exactly what terrorism is all about. They have paid the terrible price levied by terrorism and have decided to confront this phenomenon. Like Israel, they have felt the importance and urgency to protect their own citizens, which is the primary obligation of any responsible State. They also know the difficulty of confronting this new enemy, which considers innocent civilians to be legitimate targets. None of those States would tolerate a politicized, unjust and biased treatment of its struggle against terrorism. Neither does Israel.

Let me stress that the issues contained in this statement have been addressed to our Secretariat colleagues in the past two weeks, highlighting the deficiencies of the report. We understand that we were not the only ones to have done so, to say the least. We also understand and trust that coordination within the Secretariat will improve in the future and that misrepresentations will not be repeated, thus avoiding futile politicized semantics, wrong accusations and deliberate omissions.

In conclusion, Israel will continue to seriously address the issue of the protection of civilians in a constructive manner. For Israelis, as victims of terrorism, the protection of civilians is not a theoretical exercise; it is a reality that we have been grappling with for over 60 years. It is unfortunate that, on a daily basis, terrorism presents us with the dilemma arising from the need to uphold human rights while protecting civilians on all sides. Israel takes the issue to heart, whomever it concerns and wherever they may be. We expect substantial improvements in future reports so that the international community can engage in a relevant, accurate and in-depth debate on this important issue.

The President: I now give the floor to the representative of Colombia, who will be this morning's last speaker.

Ms. Blum (Colombia) (*spoke in Spanish*): Allow me to congratulate you, Sir, on your work as President of the Security Council during this month, and to express our gratitude for the convening of this debate. We also wish to thank Under-Secretary-General John Holmes for his presentation.

Colombia has taken careful note of the seventh report of the Secretary-General on the protection of civilians (S/2009/277). Several of the challenges identified in the report should receive priority attention both from States and from other relevant actors. In that regard, I would like to underscore the challenges concerning respect for international humanitarian law; strengthening the capacities of peacekeeping and other operations; guaranteeing access to humanitarian assistance in compliance with international norms; and accountability.

Other matters addressed in the report, such as the changing nature of conflicts, the proliferation, fragmentation, identity and motivation of non-State armed groups, and dialogue with those actors, should be the subject of further consideration in order to ensure that they fall within the scope of the provisions of the Charter of the United Nations and applicable international law.

All States and relevant actors must give the highest priority to the protection of civilians and to abiding strictly by international humanitarian law and other international norms in that regard.

Through its democratic security policy, the Government of Colombia has given priority to the strategic goal of strengthening and guaranteeing the rule of law throughout its national territory. The consolidation of that policy has made it possible for us to put firmly in place conditions to protect Colombians and allow them to enjoy their rights. These efforts include a comprehensive policy on human rights and international humanitarian law that is focused on prevention and on ensuring appropriate punishment for any violations, including those involving members of the security forces of the State.

The strengthening of democratic authority and the State's control over its territory is reflected in the continued reduction in the number of all acts of violence and criminality. Since 2002, 51,407 members of illegal armed groups have been demobilized. That process, which is being implemented in the framework of special legislation, has made it possible to provide victims with justice, truth and reparations.

Combating drug trafficking, the financial source of violence and terror, is also a national priority. The United Nations report issued a few days ago showed a dramatic reduction in illicit cultivation and drug production in the country in 2008. These results will have to better security for Colombians. The commitment of the international community to combating drug trafficking and terrorism is essential to consolidating these achievements.

We support the call of the Secretary-General in his report on States that are not parties to the Ottawa landmine Convention to ratify it without delay. Colombia will host the second Review Conference of the States Parties to the Ottawa Convention, from 30 November to 4 December this year in Cartagena. We expect, on that occasion, to assess the progress made in implementing the Convention and to define a plan of action to address the persistent challenges in the eradication of anti-personnel mines throughout the world.

We also agree with the Secretary-General on the urgency of implementing controls over the illicit trade in small arms and light weapons, a prerequisite for improving the protection of civilians. My country will continue to promote this issue in the General Assembly and hopes that the Council will emphasize the importance of adopting effective measures in this field.

Regarding humanitarian assistance, Colombia joins in the condemnation of attacks against humanitarian personnel. In addition, we emphasize the responsibility and primary role of States in the provision and coordination of humanitarian assistance within their territories. We recognize the importance of international cooperation and the facilitation of access for humanitarian entities in accordance with international norms.

In Colombia, the Government is the main provider of humanitarian assistance. This year, Under-Secretary-General John Holmes visited our country and verified the progress achieved and the budgetary and programmatic efforts of State agencies working in this field. We have taken note of the challenges identified with his Office to improving the various programmes.

I should note that progress in terms of the security situation in Colombia can also be seen in improved access and enhanced safety for humanitarian staff, enabling them to carry out their work throughout the country. This includes international institutions, which provide valuable cooperation. The State will continue to focus on preventing and controlling any situation that could hinder the provision of humanitarian assistance.

We note, moreover, that the report emphasizes the importance of lasting solutions for refugees. It is essential that States fully honour their international obligations to protect refugees, including those under the Convention relating to the Status of Refugees and other relevant instruments. Colombia fulfils its commitments under this Convention and has supported the work of institutions working in this field, such as the Office of the United Nations High Commissioner for Refugees.

Colombia reiterates its support for efforts to protect civilians and ensure respect for their rights, in conformity with the United Nations Charter and the norms of international law. My delegation will remain actively engaged in the discussions on this subject in the various bodies and institutions of the United Nations.

The President: There are still a number of speakers on my list for this morning. I intend, with the consent of all members, to suspend the meeting until 3 p.m.

The meeting rose at 1.25 p.m.